

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

105 WRIT PETITION NO.1823 OF 2021

**ASHOK SAMBHAJI AKKALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner :Mr M M Parghane
AGP for Respondents State: Mr K N Lokhande
Advocate for Respondent 4 : Mr Gajanan B Kingre

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 1st March, 2021.

ORDER:

The transfer of the petitioner from unaided post to aided post has been approved by the Education Officer (Secondary), but the same has been approved as Shikshan Sevak from the date of transfer on aided post.

1. The grievance of Mr. Parghane , the learned counsel for petitioner is that, the services rendered on unaided post are required to be considered by the Education Officer (Secondary).

2. The learned Additional Government Pleader for respondents/State relies on the circular dated 28.06.2016 to contend that, approval can only be granted as Shikshan Sevak from the date of transfer on aided post.

3. Said issue is no longer res-integra in view of the judgment of this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions decided under order dated 4th July, 2019. It has been considered by us that the services rendered on unaided posts will have to be considered while granting approval. If the petitioner has rendered service on unaided

post before his transfers on aided post, then the approvals have to be granted considering the services rendered on unaided post.

4. In the present case, the petitioner is transferred on rendering service on unaided post for about 4 years.

5. In the result, the impugned order granting approval to the petitioner as Shikshan Sevak from the date of transfer to the aided post is quashed and set aside to that extent only. The Education Officer (Secondary) while granting the approval to the petitioner as Shikshan Sevak on the aided post, shall consider the services rendered by the petitioner on unaided post. To illustrate, if, the petitioner has rendered services on unaided post for two years and is transferred to aided post, his services will be approved as Shikshan Sevak for one year from the date of transfer and thereafter as a Assistant Teacher. The Education Officer (Secondary) shall consider the proposal and give approval as directed above.

6. In view of the above, the writ petition is partly allowed in above terms. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC