

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

919 WRIT PETITION NO.11656 OF 2021

**GANESH DEVIDAS DESHMUKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. V.S. Panpatte
AGP for Respondents State : Mr. S.P. Tiwari
...

952 WRIT PETITION NO.11700 OF 2021

**SHRINIVAS BABARAO PATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. V.S. Panpatte
AGP for Respondents State : Mr. P. K. Lakhotiya
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 21/10/2021.

PER COURT :

. The petitioners were initially appointed on unaided posts. Their appointment on unaided posts is approved by the Education Officer. The petitioners are transferred from unaided to aided posts. Under the impugned orders, the Education Officer approved the transfer of the petitioners on aided post, however, as

Shikshan Sevak. It is the contentions of the petitioners that the petitioners served for more than three years on unaided post before being transferred to aided posts. The chart showing the details of the dates of appointment of the petitioners on unaided post, date of approval to the appointment of the petitioners and date of transfer of the petitioners to aided posts are as under :-

Particulars of Petitioners						
Board Dated 21.10.2021						
1	2	3	4	5	6	7
Sr. No.	W.P. No.	Name of Petitioner(s)	Date of Appointment w.e.f.	Date of Approval	Date of Transfer w.e.f.	Name of the Authority granted approval to transfer
919	11656/21	P-1 Ganresh Devidas Deshmukh P-2 Manik Sahevroao Lad	01.09.2016 01.9.2016 (PNo.25)	13.03.2018 19.01.2021 (PNo.25)	01.01.2020 (PNo. 29)	27.03.2020 (PNo.29) Res.No. 2 – Education Officer (Sec.)
952	11700/21	P-1 Shrinivas Babarao Pate P-2 Balasaheb Anandrao Jadhav P-3 Dipak Shivajirao Deshmukh P-4 Vsishali Suryawanshi P-5 Sandp Rameshrao Deshmukh	01.12.2012 01.12.2012 01.12.2012 01.12.2012 01.08.2014	07.08.2014 07.08.2014 (PNo.32) 07.08.2014 (PNo.35) 07.08.2014 (PNo.36) 07.08.2014 (PNo.32)	01.08.2016 01.04.2017 01.08.2016 01.09.2017 01.03.2018	14.03.2018 (PNo.40) Res.No.2- Education Officer (Sec.)

2. Mr. Panpatte, learned counsel for the petitioners relied

on the judgment of Division Bench of this Court in Writ Petition No. 1493 of 2018 with connected matters, dated 04th July, 2019 to submit that, clause of the Government Resolution dated 28th June, 2016 has been interpreted by this Court and if the Assistant Teacher has worked on unaided post for the period of three years or more, then his/her services are required to be approved as Assistant Teacher on aided post.

3. We have also heard learned A.G.P for respondent - State.

4. As the petitioners have already worked on the unaided post for the period of three years and more and their services were approved, while granting approval to the transfer of the petitioners from unaided to aided post, the Education Officer was required to grant approval to them as Assistant Teachers and not as Shikshan Sevaks in the light of the judgment of this Court in Writ Petition No. 1493 of 2018 with other connected writ petitions, dated 04th July, 2019.

5. The Education Officer shall confirm that if the transfer of the petitioners is on 100% grant-in-aid posts and if he is convinced that the posts are 100% grant-in-aid posts, then he shall grant approval to the transfers of the petitioners on 100% grant-in-aid posts as Assistant Teachers from the date of their transfers.

6. We have passed this order in view of the fact that the Education Officer has approved transfer of the petitioners on aided posts meaning thereby he has considered all other aspects of the matter.

7. The said exercise shall be done preferably within four months. Writ petitions are disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/