

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11859 OF 2021**

UJWALA TRIMBAKRAO GORE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**AND
WRIT PETITION NO.11895 OF 2021**

SACHIN LIMBRAJ CHAVAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

**AND
WRIT PETITION NO.11921 OF 2021**

VISHWAJEET SATISH BIRAJDAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Santosh S. Jadhavar, Advocate for the
Petitioners.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

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

DATED : 26th OCTOBER, 2021.

PER COURT:-

1. In all these matters approvals are granted to the transfers of petitioners from unaided to aided posts as Shikshan Sevaks.

2. The learned counsel for petitioners submits that, services rendered by petitioners prior to the transfers on unaided posts are not considered.

3. We have heard learned A.G.P. for all respondents.

4. The appointments of petitioners on unaided posts, the date of approval to the appointments on unaided posts and the date of transfers to the aided posts are detailed in the chart hereunder:

Sr. No.	Writ Petition No.	Name of the Petitioner	Date of Appointment as Assistant Teacher on unaided post	Date of Approval on probation	Date of permanent approval	Date of transfer to aided post	Date of impugned order
1	2	3	4	5	6	7	8
01.	11859/2021	Ujwala Trimbakrao Gore	17/09/2013	16/08/2014	16/10/2015	30/06/2017	03/11/2018
02.	11895/2021	Sachin Limbraj Chavan	15/06/2014	31/10/2015	20/08/2016	12/01/2020	11/06/2020
03.	11921/2021	Vishwajeet Satish Birajdar	17/09/2013	16/08/2014	16/10/2015	31/03/2017	03/11/2018

5. It would appear that, all these petitioners have worked for about 4 to 5 years on unaided posts prior to their transfers on aided posts. Their transfers to the aided posts are also prior to the amendment to Section 41-A of the The Maharashtra Employees of Private Schools (Conditions of Service) Regularion Act.

6. The approvals are granted as Shikshan Sevaks basically relying upon the Circular dated 28.06.2016. This Court in the judgment and order dated 14.07.2019 in Writ Petition No.1493 of 2018 with other connected writ petitions observed that some of the Clauses of Circular dated 28.06.2016 are erroneous.

7. It has been observed that, if the employees have worked for more than three years on unaided posts and are transferred on 100% grant-in-aid posts, then their approvals ought to be on 100% grant-in-aid posts.

8. In light of the above, impugned orders to the extent of granting approvals as Shikshan Sevaks from the date of their transfers to the aided posts are quashed and set aside.

9. The Education Officer/Deputy Director of Education, as the case may be shall verify the transfers of petitioners on 100% grant-in-aid posts and if the authority is satisfied that, the petitioners have been transferred on 100% grant-in-aid posts after rendering services for more than three years on unaided posts, then the authority shall grant approvals on 100% grant-in-aid posts from the date of transfers to the aided posts. The said exercise shall be done preferably within a period of four months from today.

10. We have passed the aforesaid order, as the authorities have granted approvals to the transfers of petitioners on aided post meaning thereby that, the authorities were convinced about the seniority, roster and the qualification of petitioners.

11. Writ Petitions are disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE