

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.12470 OF 2021

SANKET DIPAK KOLAPKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.R.I.Wakade
Addl.G.P. for Respondent-State : Mr.P.S.Patil
...

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

DATE : 16.11.2021

P.C. :

1] The petitioner was initially appointed on unaided post. His appointment on unaided post is approved by the Education Officer. The petitioner is transferred from unaided to aided post. Under the impugned order, the Education Officer has granted approval to the services of the petitioner on the aided post, however, as *Shikshan Sevak* and not as an Assistant Teacher.

2] We have heard the learned counsel for the petitioner and learned Additional Government Pleader for respondent nos. 1 to 3.

3] It appears that, the petitioner was appointed on unaided post on 15.12.2012. The approval is granted by the

Education Officer to the petitioner on unaided post under order dated 26.04.2013. It appears that the petitioner is transferred from unaided to aided post on 01.11.2016 after completion of more than three years. While granting approval to the petitioner as Shikshan Sevak on aided post, the Education Officer has relied on the Circular dated 28.06.2016.

4] This Court, in its judgment and order dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions observed that some of the clauses of the Circular dated 28.06.2016 are erroneous.

5] In case the petitioner has rendered services for more than 3 years on unaided post, the said aspect has to be considered. If the petitioner is transferred on 100% grant in aid post, the approval has to be granted to the petitioner on 100% grant in aid post as Assistant Teacher.

6] In the light of above, the impugned order is quashed and set aside. While granting approval to the appointment of the petitioner, the Education Officer shall consider and verify the transfer of the petitioner on aided post and if the petitioner is transferred on 100% grant in aid post, then he shall grant approval to the transfer of the petitioner on 100% grant in aid posts as Assistant Teacher.

7] We have passed this order in view of the fact that the Education Officer has granted approval to the transfer of the petitioner on aided post meaning thereby that the Education Officer has considered the qualification, seniority and roster.

8] The aforesaid exercise shall be done preferably within four months. Writ Petition is disposed of. No cost.

[R.N.LADDHA, J.]

[S.V.GANGAPURWALA, J.]

DDC