

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

WRIT PETITION NO. 1272 OF 2022

Rekha Gokul Chaudhari

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Ramesh I. Wakade, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. Maheshkumar S. Sonawane, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 25th JANUARY, 2022.

PER COURT:-

. We have heard the learned counsel for the petitioner.

2. The learned A.G.P. appears for respondent Nos. 1 and 2.

Mr. Sonawane, learned counsel appears for respondent No. 3.

3. The proposal seeking approval to the transfer of the petitioner from unaided to aided is allowed by the Education Officer, however, in a phase-wise manner as a Shikshan Sevak. The grievance of the petitioner is that the service rendered on unaided post is not considered.

4. The learned counsel for the petitioner submits that the petitioner is appointed on unaided post as an Assistant Teacher on 17.06.2013. The approval is granted to the appointment of the petitioner on unaided post as an Assistant Teacher under order dated 17.06.2014. Upon vacancy on the aided post the petitioner is transferred to the aided post with effect from 01.07.2016.

5. Mr. Wakade, learned counsel for the petitioner relied on the judgment of the Division Bench of this Court in Writ Petition No. 1493 of 2018 with other 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 an Assistant Teacher on aided post.

6. We have also heard learned A.G.P for respondent Nos. 1 and 2.

7. As the petitioner has already worked on the unaided post for the period of three years and more and her services were approved, while granting approval to the transfer of the petitioner from unaided to aided post, the Education Officer was required to grant approval to her as an Assistant Teacher and not as Shikshan Sevak 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.

8. The Education Officer shall confirm that if the transfer of the petitioner is on 100% grant-in-aid post and if she is convinced that the post is 100% grant-in-aid post, then he shall grant approval to the transfer of the petitioner on 100% grant-in-aid post as an Assistant Teacher from the date of her transfer.

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

10. The said exercise shall be done preferably within a period of four (04) months from today. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.