

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11798 OF 2022 IN
WRIT PETITION NO. 5143 OF 2021

NANASAHEB RAMNATH JAGTAP
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. S.S. Dixit
AGP for the respondent – State : Mr. A.S. Shinde
Advocate for the respondents nos. 4 to 6 : Mr. P.P. Kothari
...

**CORAM : MANGESH S. PATIL &
SHRIKANT D. KULKARNI, JJ.**

DATE : 16 SEPTEMBER 2022

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard both the sides.

2. By way of this civil application, petitioner no. 2 from the writ petition no. 5143 of 2021 is seeking modification of the order dated 23-03-2021. It was a joint petition of 4 petitioners seeking approval to their transfer from unaided posts to aided posts. While deciding the petition, it was inter alia observed that their such transfer was eligible for being approved as Shikshan Sevak. However, it was observed that only petitioners nos. 1, 3 and 4 had completed more than 3 years in the service on an unaided post prior to their transfer whereas the present

applicant who was the petitioner no. 2 had completed only 2 years and was required to render service of another year before getting approval.

3. It is pointed out from the papers of the writ petition that the appointment order of the applicant – petitioner no. 2 was placed on record at page no. 34 (Exhibit – D) showing his date of appointment as 17-06-2013. Even there was approval granted by the Deputy Director, a copy of which communication dated 10-11-2015 was also placed on record at page 35 and 36. Even in that annexure, name of the applicant – petitioner no.2 was appearing at serial no. 2 showing his date of initial appointment as 17-06-2013. Since the petitioner no. 2 was transferred on 26-06-2017, patently it was an erroneous observation to hold that he had put in only 2 years on an unaided post. The error needs to be corrected.

4. The order stands modified to this extent. Necessary correction be made and fresh order be uploaded.

5. Application is disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/