

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

937 WRIT PETITION NO. 5893 OF 2020

SHABNAM BEGUM MOHAMMEDSAB BAGWAN
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the petitioner : Mr.V.S.Panpatte
AGP for Respondent-State : Mr.S.P.Tiwari
Advocate for Respondent nos.3 and 4 : Mr.I.D.Maniyar

...

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

DATE : 09.02.2022

P.C. :

1] The petitioner is appointed on unaided post on 29.12.2014. The appointment of the petitioner on unaided post is approved under order dated 14.12.2016. The petitioner is transferred to the aided post on 05.03.2018. The petitioner has worked on unaided post for more than 3 years.

2] Mr.Panpatte, learned counsel for the petitioner 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 AGP for respondent – State.

4] As the petitioner has already worked on the unaided post for the period of three years and more and his 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 him as 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.

5] The Education Officer shall confirm that if the transfer of the petitioner is on 100% grant-in-aid post and if he 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 Assistant Teacher from the date of his transfer.

6] 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.

7] The said exercise shall be done preferably within four months. Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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