

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7204 OF 2022

RAJKUMAR DAGADU PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioner : Shri Wakade Ramesh I.
AGP for Respondents 1 to 3 / State : Shri S.G. Sangle
Advocate for Respondent 4 : Shri D.A. Karnik

...

CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.

DATE :- 14th July, 2022

Per Court :-

1. The petitioner has put forth prayer clause B, which reads as under :-

“B) By issuing Writ of Mandamus or any appropriate Writ, order or direction in the like nature, this Hon’ble Court may kindly be directed the Respondent No.3- Education Officer (Secondary), Zilla Parishad, Jalgaon to grant an approval to the transfer of petitioner as “Assistant Teacher” instead of “Shikshan Sevak” on 100% grant-in-aid basis on regular pay scales after considering the services rendered on unaided posts (i.e. prior to transfer from unaided to aided post) by modifying an approval order dated 13.03.2018 and release all monetary benefits, to which the petitioner is entitled as per law within stipulated period.”

2. We have considered the submissions of the learned advocates for the respective sides. The issue is no longer res-integra. Two Division Benches of this Court have delivered the orders on 18.09.2020 in Writ Petition No.6363/2020 filed at Aurangabad by ***Bhushan Sukdeo Patil vs. State of Maharashtra and others*** and on 14.06.2022 in Writ Petition No.5434/2022 filed at Aurangabad by ***Rupali Nandkumar Rasane vs. State of Maharashtra and others***.

3. The petitioner was appointed as an Assistant Teacher on no grant basis on 15.06.2015. After completing three years, the petitioner was eligible to be transferred on grant-in-aid basis. He was transferred from the unaided category to the aided category on 15.06.2016. Yet, he would be entitled for regular pay scale of an Assistant Teacher in grant-in-aid category w.e.f. 15.06.2015. This position is undisputed.

4. In view of the above, this petition is allowed. The impugned order, which is passed under misconception that the petitioner joined as a Shikshan Sevak on 15.06.2016, is quashed and set aside. Respondent No.2 is directed to issue a fresh approval order indicating the date of approval as an Assistant

Teacher in the approved pay scale w.e.f. 15.06.2015, on or before 25.08.2022.

5. The learned advocate representing the respondent/ Management submits that the Management would submit the salary proposals of the petitioner even for the period for which he is entitled for difference in salary from 15.06.2015, within two weeks after the Education Officer issues the order.

kps

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)