

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

WRIT PETITION NO. 301 OF 2022

Sayyed Amrullah Sayyed Chand Kasar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Ms. A. N. Ansari, Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for Respondent Nos. 1 and 2.

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

DATED : 06th JANUARY, 2022.

PER COURT:-

. The proposal seeking approval to the transfer of the petitioner from unaided to aided is allowed, however, as a Shikshan Sevak from the date of transfer to the aided post.

2. We have heard Ms. Ansari, learned counsel for the petitioner and Mr. Shinde, learned A.G.P. for respondent Nos. 1 and 2.

3. The petitioner it appears is appointed on unaided post on 06.07.2018 and is transferred to the aided post on 01.06.2020 after rendering service of less than two years on the unaided post.

4. The Education Officer has relied upon the circular dated 28.06.2016 while granting approval in a phase-wise manner.

5. This Court under its judgment and order dated 04.07.2019 in Writ Petition No. 1493 of 2018 with other connected writ petitions has held that some of the clauses of the circular dated 28.06.2016 are erroneous.

6. The service rendered on the unaided post is also required to be considered while granting approval on aided post.

7. In the light of above, the impugned order to the extent of granting approval in a phase-wise manner is set aside. In case, the petitioner is transferred on 100% grant in aid post, then the services rendered by the petitioner on unaided post shall also be counted. If the petitioner has rendered service of one year and 11 months on unaided post, then the said service will have to be counted and for remainder of the period for completing three years the petitioner will be approved as a Shikshan Sevak and after completing three years service from the initial date of appointment on the unaided post shall be treated as an Assistant Teacher.

8. The Education Officer shall reconsider the same expeditiously and preferably within a period of four (04) months from today.

9. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.