

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7859 OF 2022

Padmashali Shikshan Sanstha & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

WRIT PETITION NO.7861 OF 2022

Padmashali Shikshan Sanstha & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

Mr. Shrirang Katneshwarkar for the Petitioners
Ms. S. S. Bhende, AGP for the State

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 6, 2022

P.C.

1 The proposal seeking approval to the transfer of the Petitioners to the aided post are rejected.

2 The Petitioner in Writ Petition No. 7859 of 2022 is transferred to the aided post on 1st June 2020 and the Petitioner in Writ Petition No.7861 of 2022 is transferred to the aided post on 1st January 2020. The transfers are prior to the Notification dated 8th June 2020 i.e. amended Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

3 In view of that the Notification dated 8th June 2020 would not apply to the present matters.

4 It is submitted that in Writ Petition No.7859/2022 the Petitioner has worked on unaided post for 2 years and 11 months and in Writ Petition No.7861/2022 the Petitioner worked for 2 years and 6 months.

5 If the Petitioners are transferred on 100% grant-in-aid post after rendering three years of service on unaided post, then the approval has to be on 100% grant-in-aid post. The Petitioners will have to serve the remainder of service of three years on the aided post as Shikshan Sevak. In the first petition, from the date of transfer, the Petitioner would work as a Shikshan Sevak for one month and thereafter as an Assistant Teacher on 100% grant-in-aid post and in the second petition, the Petitioner's services, if approved, the Petitioner will have to work as a Shikshan Sevak for a period of six months from the date of transfer and thereafter as an Assistant Teacher on 100% grant-in-aid post.

6 The Education Officer shall confirm for himself the period for which the Petitioners have worked on the unaided post and whether the Petitioners are transferred on 100% grant-in-aid post and thereafter take decision in tune with the judgment of this Court in

Writ Petition No.1493 of 2018 along with connected Writ Petitions dated 4th July 2019.

7 Said exercise shall be done expeditiously, preferably within six months.

8 The Writ Petitions stand disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)