

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12591 OF 2022

Ganesh Laxman Raut

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

WITH
WRIT PETITION NO.7141 OF 2021

Santosh Haribhau Mane

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr.N.V. Bandiwadekar i/b Ms.Ashwini N. Bandiwadekar, for the
Petitioner in both WP.

Mr.N.C. Walimbe, AGP for Respondent Nos.1 and 2-State.

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

DATE : 16 NOVEMBER 2022

P.C:-

1. We have heard learned Counsel for the petitioners
and the learned AGP.

2. In all these matters, the proposal seeking approval to
the transfer of the petitioners from unaided post to aided post is
approved, however, as “Shikshan Sevak” from the date of transfer.

3. The prima dona contention is that the services rendered on the unaided post has not been considered.

4. Approval, it appears, is given relying upon the Circular dated 28th June 2016.

5. This Court in Writ Petition No.1493 of 2018 with connected writ petitions under order dated 4th July 2019 has held that some of the clauses of the Circular dated 28th June 2016 are erroneous and cannot be relied upon. The services rendered on the unaided post are required to be considered.

6. If the employee has rendered three years or more service on unaided post as Assistant Teacher and is transferred to the aided post, then the approval has to be on 100% grant-in-aid post as an Assistant Teacher.

7. In case the candidate has only completed two years service on the unaided post and is transferred to the 100% grant-in-aid post, then for a period of one year he will have to be approved as Shikshan Sevak and thereafter, as an Assistant Teacher. In present case, the chart giving details of the appointment of the petitioners on the unaided posts, date of transfer and the date of approval to the unaided posts is reproduced herein under :

Sr. No	W.P. No.	Name of Petitioner	Un-aided Appointment	Un-aided Approval	Transfer to 100% Aided	Impugned order
1	12591/2022	Ganesh Laxman Raut	25.07.2011	31.12.2011	10.01.2015	15.05.2015
2	7141/2021	Santosh Haribhau Mane	15.06.2014	21.05.2018	04.07.2018	09.01.2019

8. It transpires that both the petitioners have completed three years or more service on the unaided post. If they are transferred on 100% grant-in-aid post, then they are to be approved as an Assistant Teacher on 100% grant-in-aid post.

9. The Education Officer shall confirm the date of the transfer on 100% grant-in-aid post and if it is convinced that the transfer of the petitioners is on 100% grant-in-aid then shall approve them accordingly.

10. The impugned order to the extent of approval for the transfer as “Shikshan Sevak” are quashed and set aside. The said exercise be done within four months from today.

11. The writ petitions are accordingly disposed of. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)