

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

WRIT PETITION NO. 10591 OF 2022

Sadhana Rajesh Karale and Anr. .. Petitioners
Versus
The State of Maharashtra and Ors. .. Respondents

Mr. N.V. Bandiwadekar i/b Ms. Ashwini N. Bandhiwadekar
for the Petitioners
Smt. P.J. Gavhane, AGP for the State-Respondent.

**CORAM: S. V. GANGAPURWALA &
R.N.LADDHA, JJ.**

DATE : 12th SEPTEMBER, 2022

P.C. :-

1. We have heard learned counsel for the petitioner and learned AGP.

2. Learned counsel for the petitioners submitted that the petitioner is appointed as Assistant Teacher on an un-aided post on 01.01.2016. The said appointment is approved by Education Officer under order dated 06.05.2016. The petitioner was transferred to the aided post on 01.02.2017. The transfer of the petitioner from un-aided to aided is also approved. The proposal was submitted for issuance of Shalarth ID. The Deputy Director of Education has granted said proposal as Shikshan Sevak.

3. The Petitioner had worked for about 13 months on the un-aided post. If the petitioner had worked for 3 years or more on the un-aided post prior to her transfer of aided post, then certainly the approval of the petitioner would have been granted to the transfer of the petitioner on the aided post as Assistant Teacher. The petitioner ought to have worked for 3 years on the un-aided post prior to his transfer so as to consider him as Assistant Teacher on the aided post. In the present case, the petitioner has worked for 13 months on the un-aided post. This Court in its judgment dated 05/07/2019 in Writ Petition No. 1493 of 2018 with connected matters has already held that the employee has to undergo service of 3 years before being considered as an Assistant Teacher, on aided post.

4. In the light of above, the impugned order to the extent of considering the petitioner as Shikshan Sevak for a period of 3 years from the date of transfer is set aside.

5. The petitioner's transfer to the aided post from 01.02.2017 shall be Shikshan Sevak for a period of 23 months i.e. upto 31.03.2019 and from 01.04.2019 shall be considered as an Assistant Teacher. The shalarth ID shall be issued accordingly.

6. Necessary exercise shall be done by the respondent/ Deputy Director of Education preferably within 4 months.

7. The Writ petition is disposed of. No costs.

(R.N.LADDHA J.)

(S. V. GANGAPURWALA, J.)