

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

WRIT PETITION NO. 12039 OF 2022

Ms. Pallavi Uttam Mulik
(Mrs. Pallavi Kiran Pawar) .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12040 OF 2022**

Lalsing Barkya Valvi .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12041 OF 2022**

Bhibhishan Shahaji Nikam .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12173 OF 2022**

Chetan Balasaheb Bobade .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12043 OF 2022**

Ravindra Vitthal Humbe .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12052 OF 2022**

Dattatraya Dashrath Garge .. Petitioner

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Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12049 OF 2022**

Priyanka Sunil Suryawanshi .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12044 OF 2022**

Amol Subhashrao Dhumal .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12045 OF 2022**

Amol Dilip Karve .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12051 OF 2022**

Sujit Suresh Jamdade .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12047 OF 2022**

Popat Mansing Sawant .. Petitioner
Versus
The State of Maharashtra & ors. .. Respondents

**WITH
WRIT PETITION NO. 12055 OF 2022**

Balasaheb Dadarm Sonawalkar .. Petitioner
Versus

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The State of Maharashtra & ors.

.. Respondents

Mr. N. V. Bandiwadekar i/b. Mrs. Ashwini Bandiwadekar,
Advocate for the Petitioners.

Mr. S.B.Kalel, AGP for the Respondents/State.

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

DATE : 12th OCTOBER, 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	Transfer Approval
1	12039/2022	Pallavi Uttam Malik	10.1.2013	31.8.2013	1.10.2016	10.1.2019
2	12040/2022	Lalsing Barkya Valvi	1.1.2013	31.8.2013	10.8.2017	10.1.2019
3	12041/2022	Bhibhisen Shahaji Nikam	1.12.2014	6.6.2016	14.2.2019	20.7.2019
4	12173/2022	Chetan Balasaheb Bobade	1.1.2013	31.8.2013	1.10.2016	9.12.2019
5	12043/2022	Ravindra Vitthal Humbe	1.1.2013	31.8.2013	13.7.2017	10.1.2019
6	12052/2022	Dattatraya Dashrath Garge	1.10.2016	26.6.2019	27.12.2019	31.1.2020

8. It transpires that except the Petitioners in Writ Petition Nos.12049/2022, 12045/2022, 12051/2022 and 12047 of 2022, all 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. The Petitioner in Writ Petition No.12041/2022, if she is transferred to 100% grant-in-aid post, then for a period of 7 months and 15 days, she will have to be approved as Shikshan Sevak and thereafter as Assistant Teacher. The Petitioner in Writ Petition No.12045/2022, if he is transferred to 100% grant-in-aid post, then for a period of 9 months he will have to be approved as Shikshan Sevak and thereafter as Assistant Teacher. The Petitioner in Writ Petition No.12051 of 2022, if he is transferred to 100% grant-in-aid post, then for a period of 8 months he will have to be approved as Shikshan Sevak and thereafter as Assistant Teacher. The Petitioner in Writ Petition No.12047 of 2022, if he is transferred to 100% grant-in-aid post, then for a period of 2 months he will have to be approved as Shikshan Sevak and thereafter as Assistant Teacher.

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.

(R.N.LADDHA J.)

(S. V. GANGAPURWALA, J.)