

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

WRIT PETITION NO. 11383 OF 2022

Kiran Bhausahab Thete & Anr. ... Petitioners
Versus
The State of Maharashtra & Anr. ... Respondents

**WITH
WRIT PETITION NO. 11384 OF 2022**

Yogesh Balasaheb Gangurde & Anr. ... Petitioners
Versus
The State of Maharashtra & Anr. ... Respondents

Mr. N. V. Bandiwadekar i/by Ms. Ashwini N. Bandiwadekar for the
Petitioners in both Writ Petitions.
Mrs. P. J. Gavhane, AGP for the State in both Writ Petitions.

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

DATE : 26th SEPTEMBER, 2022

P.C. :-

. In both the Writ Petitions, petitioners are transferred from unaided to aided post. The proposal seeking approval to the transfer of petitioners from unaided to aided post is allowed, however, as Shikshan Sevak from the date of transfer.

2. We have heard the learned Counsel for the petitioners and the learned AGP. The chart showing the date of appointment of the petitioners on unaided post and date of transfer to aided post is detailed hereunder.

Sr. No.	Name of the Petitioner	Un-aided Appointment	Un-aided Approval	Transfer to aided	Impugned order
1	Shri Kiran B. Thete	01.03.2013	15.01.2015	02.07.2016	30.06.2017
2.	Shri Yogesh B. Gangurde	01.03.2013	15.01.2015	02.12.2016	30.06.2017

3. This Court under its judgment and order dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions had observed that some of the clauses of the circular dated 28.06.2016 are erroneous. It has been held by the Division Bench of this Court that the service rendered on unaided post also has to be counted while granting approval to the transfer of the petition to the aided post.

4. To illustrate, if the petitioners have worked on unaided post as Assistant Teacher for a period of two years before their transfer to the aided post then from the date of their transfer, approval has to be granted as Shikshan Sevak for a period of one year and thereafter, as Assistant Teacher.

5. In the present matter, some of the petitioners have worked for about two years and some for three years period. The period of their working on unaided post is required to be counted. In light of the above, order of approval to the transfer of petitioners from unaided to aided post to the extent of granting approval from the date of transfer to aided post as Shikshan Sevak is set aside.

6. The Education Officer shall consider that if the petitioners are transferred on 100% grant-in-aid post then period rendered by the petitioner as Assistant Teacher on unaided post should be counted

for a period of three years as Shikshan Sevak.

7. The Education Officer shall reconsider the same expeditiously and preferably within four months and issue the modified order accordingly.

8. The Education Officer shall consider the observations made by this Court in the judgment dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions. Consequences shall follow.

9. Writ Petitions are disposed of accordingly.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]