

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

WRIT PETITION NO. 9098 OF 2021

Yashavant Dattatray Chavan .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9073 OF 2021**

Dattatray Shivaji Patil .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9075 OF 2021**

Maheshrao Arvind Jundale .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9074 OF 2021**

Ansar Mahibub Inamdar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9076 OF 2021**

Milind Khandu Deshmukh .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO. 9072 OF 2021

Prasad Dadasaheb Khadtare .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Laxman S. Deshmukh, Advocate for the Petitioners in all above petitions.

Mr. S. B. Kalel, AGP for the Respondent-State.

**CORAM : S. V. GANGAPURWALA AND
DHIRAJ SINGH THAKUR, JJ.**

DATE : 13th JUNE, 2022.

P.C:

. The Petitioners herein are transferred from unaided to aided posts. The approval has been granted to the transfer of the Petitioners from unaided to aided posts but in phase wise grant-in-aid manner. The Petitioners are assailing the approval in phase wise grant-in-aid manner.

2. The contention is the services rendered on unaided posts are required to be considered.

3. The date of appointment of the Petitioners, the date of approval, the date of transfer to the aided posts are detailed herein under:

Sr. No.	Writ Petitions	Name of Petitioners	Date of appointment in unaided section and approval thereof	Dates of transfer to aided section	Approvals as shikshan sevak	Approvals to Regular pay.
01	9098/2021	Yashwant Dattatraya Chavan	15/06/2014 and approval 23/12/2019 (w.e.f. 1/06/2018)	30/12/2019	18/03/2021	
02	9072/2021	Prasad Dada Khadture	07/07/2014 and approval 10/11/2015	14/06/2016	30/06/2018	26/07/2019
03	9073/2021	Dattatray Shivaji Patil	28/01/2013 and approval 04/2/2013	01/02/2017	17/02/2018	10/01/2020
04	9074/2021	Ansari Mahibub Inamdar	28/01/2013 and approval 14/08/2013	30/09/2016	17/02/2018	04/12/2019
05	9076/2021	Milind Khandu Deshmukh	14/06/2010 and approval 16/12/2011	03/10/2017	30/06/2018	12/05/2021
06	9075/2021	Maheshrao Arvind Judale	10/06/2009 and approval 09/03/2010	14/06/2010	31/03/2012	02/01/2015

4. This Court under its judgment and order dated 04th July, 2019 in Writ Petition No. 1493 of 2018 with connected writ petitions has observed that some of the clauses of the Circular dated 28th June, 2016 are erroneous. The services rendered on unaided posts are required to be counted while granting approval to the transfer from unaided to aided posts.

5. To illustrate if the Petitioners have worked for two years on unaided posts and they are transferred thereafter to the aided posts, they have to be granted approval as a Shikshan Sevak for one year and thereafter as an assistant teacher.

6. In light of the above, the impugned order granting approval to the

transfer of the Petitioners in phase wise grant-in-aid manner, is quashed and set aside.

7. The Education Officer / Deputy Director shall consider that if the Petitioners are transferred on 100% grant-in-aid posts, then the services rendered on the unaided posts shall also be counted while granting the approval as Shikshan Sevak / Assistant Teacher.

8. We have passed the aforesaid order as the Education Officer / Deputy Director has granted the approval to the transfer of the Petitioners from unaided to aided posts. Meaning thereby, the Education Officer / Deputy Director was convinced about the qualification, seniority list, the roster and all other aspects. The same shall be considered expeditiously, preferably within four months.

9. Writ petition accordingly stands disposed of. No costs. Depending upon the order, the consequences shall follow.

(DHIRAJ SINGH THAKUR, J.)

(S. V. GANGAPURWALA, J.)