

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

WRIT PETITION NO. 25 OF 2022

Mahatma Phule Vidhya Prasarak Mandal
Thr. Secretary and Ors.

...Petitioners

vs.

The State of Maharashtra Thr. Secretary
Education Dept. and Ors.

...Respondents

Mr. Shrirang Katneshwarkar i/by Vilas Panpatte - Advocate for the
Petitioner

Mr. N. C. Walimbe - Advocate for the Respondent-State

**CORAM : S.V. GANGAPURWALA AND
 S. M. MODAK, JJ.**

DATE : 21st JUNE, 2022

P. C. :-

1. The Education Officer (Secondary) has granted approval to the transfer of the Petitioner Nos. 3 to 5 to the aided post. The Petitioner Nos. 3 to 5 were appointed on the unaided post Earlier services rendered on the unaided post are required to be considered.
2. We heard the learned AGP for the Respondent-State.
3. The details showing the dates of appointment on unaided post, date of transfer to the aided post and date of approval are here under :-

Petitioner No.	Name of the Petitioner	Date of appointment	Date of transfer from Unaided to Aided	Date of approval	Probation period
3	Bhushan Vishwas	01/07/2013	30/07/2015	04/01/2019	Two years

	Shinde				
4	Madhuri Subhash Bhamre	01/07/2013	30/07/2015	04/01/2019	Two years
5	Vrashali Shankar Jadhav	16/07/2015	17/07/2018	04/01/2019	Three years

4. This Court under Judgment and Order dated 04/07/2019 in Writ Petition No. 1493 of 2018 in connected writ petitions held that services rendered on unaided post are required to be considered

5. To illustrate, if the Petitioners have worked on unaided post for the period of two years before the transfer to the aided post, then their services will be approved as Shikshan Sevak from the date of transfer for one year and thereafter as Assistant teacher.

6. In the present case, the Petitioner Nos. 3 to 5 transfer to the aided posts is approved but as Shikshan Sevak from the date of transfer to the aided post. The same is improper.

7. In light of that, the impugned Order to the extent of granting approval to the Petitioner as Shikshan Sevak from the date of transfer to the aided post is set aside

8. The Education Officer shall consider the services rendered by the Petitioner Nos. 3 to 5 on unaided post and shall thereafter, grant the approval as Shikshan Sevak for the remainder period only.

9. The same shall be decided expeditiously preferably within four months.

10. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]