



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 897 OF 2024

1. Shivdas S/o Hariba Suryawanshi,
Age : 40 Years, Occ. Service as Shikshan Sevak,
R/o. Anand Nagar, Udgir, Tq. Udgir,
District Latur.
2. Bhagyashri D/o Suresh Dhumal,
Age : 34 Years, Occ. Service as Shikshan Sevak,
R/o. Anand Nagar, Udgir
Tq. Udgir District Latur. .. Petitioners

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai-32
2. The Deputy Director of Education,
Latur Division, Latur
3. The Education Officer (Primary)
Latur, Zilla Parishad, Latur.
4. The Superintendent,
Zilla Parishad, Pay and Provident Fund Unit
(Primary), Latur.
5. Uday mahila Bhauddeshiya Shikshan
Prasarak Mandal, Udgir,
Tq. Udgir, Dist. Latur
Through its Secretary.
6. Shrimati Laxmibai Prathmik Vidyamandir
Udgir Tq. Udgir Dist. Latur
Through its Head Master. .. Respondents

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Advocate for the petitioners : Mr. V. S. Panpatte
AGP for Respondent Nos. 1 and 2 : Mr. S.R. Yadav-Lonikar
Advocate for Respondent Nos. 3 and 4 : Mr. U. B. Bondar
Advocate for Respondent Nos. 5 & 6 : Mr. P. G. Gunale

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**CORAM : R. G. AVACHAT AND
SANDIPUKUMAR C. MORE, JJ.**

DATED : APRIL 09, 2025

ORDER:-

1. Heard both the sides.
2. The challenge in this Writ Petition is to the order passed by the Education Officer, (Primary), Zilla Parishad, Latur against refusal to grant approvals for transfer of the petitioners from unaided post to aided one. The approval mainly has not been granted relying on Government Resolution dated 1st April 2021. In short, according to the concerned respondent -Zilla Parishad, one of the petitioners had not completed five years of service on an unaided post and as such, Clause 3 of the said Government Resolution would come into play. The learned Advocate would further submit that, there were surplus teachers, those ought to have been accommodated on the vacant posts. The management, instead of asking for services of surplus teachers, went ahead and transferred the petitioners to aided post.
3. The learned Advocate for the Zilla Parishad, Latur justified the order impugned herein.
4. The learned Advocate for the management necessarily supports the petitioners.

5. Considered the submissions advanced. Perused the documents on record and particularly Government Resolution dated 1st April 2021.

6. The petitioner No.1 has completed service of four years and 15 days, while petitioner No.2 has served for seven years seven months and three days before they were transferred to aided post. The record indicates that, the management had applied to the Education Officer on 2nd May 2016 and then on 21st June 2021, seeking permission either to provide surplus teachers or permit the management to transfer the teachers from unaided posts to aided one. It appears that, the concerned Education Officer sat on both the requests of the management. The transfers have been effected before 1st April 2021 and in our view, the said Government Resolution would not have retrospective effect so as to cover transfers of the petitioners. Since at the relevant time, there was no bar of Government Resolution dated 1st April 2021, to transfer the teaching staff from unaided to aided post, and even the management had put up a request before the concerned Education Officer, who did not respond thereto, we find no justification for the concerned Education Officer now not to grant approvals to their transfers.

7. For all the aforesaid reasons, we allow the Writ Petition, directing the Education Officer to grant approvals to both the

petitioners' transfers from unaided to aided post and release their monitory benefits with effect from the date of their transfer.

8. The compliance of this order be made within a period of six months from the date of receipt of copy of this order.

(SANDIPKUMAR C. MORE)
JUDGE

(R. G. AVACHAT)
JUDGE

Y.S. Kulkarni