



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO.6131 OF 2022

Ramchandra Atmaram Anarase

VERSUS

The State Of Maharashtra Through The Principal Secretary
And Others

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Advocate for Petitioner : Ms. A.S. Jadhav

AGP for Respondents nos.1 and 2 : Mrs.V N Patil-Jadhav

R.Nos. 3 & 4 are Formal Parties.

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CORAM : ALOK ARADHE, C.J. AND
S. G. CHAPALGAONKAR, J.

Dated : March 20, 2025

FINAL ORDER :- (Per S.G. Chapalgaonkar, J.)

1. The petitioner impugns the order dated 26.4.2017 passed by the Respondent No.2/Deputy Director of Education, Pune, granting approval as 'Shikshan Sevak' from 1.7.2016 to 1.7.2019.

2. Petitioner contends that on 1.7.2014 he was appointed as 'Assistant Teacher' on unaided post with Respondent No.4-College. Appointment was on probation for a period of two years. On 10th November, 2015 Deputy Director of Education approved a post. The Management transferred services of the petitioner against vacant aided post of Assistant Teacher with effect from 1.7.2016. Respondent no.3

forwarded proposal seeking approval to transfer of the petitioner. However, approval is granted to petitioner's appointment for the period from 1.7.2016 to 30.6.2019 as 'Shikshan Sevak.' According to the petitioner, approval ought to have been granted considering his past service on unaided post and not as a fresh appointee.

3. We have considered the submissions advanced by learned advocates appearing for the respective parties.

4. This Court in Writ Petition No.1493 of 2018 (Suryakant Janardhan Muge Vs. State of Maharashtra and others) observed as under :-

"21. If the assistant teacher on unaided post has worked for less than three years and is transferred to aided post, he will have to work as Shikshan Sevak till he completes three years of service from the date of his initial appointment on an unaided post. That would be in conformity with the scheme of Shikshan Sevak framed by the State."

5. In light of the aforesaid exposition of law, respondent no.2 ought to have granted approval to appointment of the petitioner from the date of transfer by taking into account observations made by this Court. The petitioner's services ought to have been considered as 'Shikshan Sevak' for the initial period of first three years from

the date of his initial appointment on unaided post and thereafter his services ought to have been considered as Assistant Teacher against 100% aided post.

6. In light of the above, we quash and set aside the impugned order. The Respondent no.2-Deputy Director of Education, Pune is directed to issue fresh order of approval in favour of petitioner in light of the aforesaid observations, within a period of (3) Three months from today and release consequential benefits. Writ Petition accordingly stands disposed of.

(S. G. CHAPALGAONKAR, J.)

(CHIEF JUSTICE)

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