

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6805 OF 2021

MEGHRAJ DHONDIRAM KHARATMOL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. D. Gunale, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

Mr. Sachin B. Munde, Advocate for Respondent Nos.4 and 5.

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

DATED : 13th OCTOBER, 2021.

PER COURT:-

1. Heard learned counsel for the petitioner and learned A.G.P.

2. The proposal seeking approval to the transfer of the petitioner from unaided to aided post is rejected.

3. The petitioner claims to have been appointed on unaided post as Assistant Teacher on 24.04.2013. The approval is granted to the appointment of the petitioner on unaided post by the Education Officer under order dated 31.08.2013. The petitioner claims to have been transferred to the aided post on 26.04.2020.

4. The aforesaid facts do not appear to be disputed. The proposal is rejected on the basis of the Notification dated 08.06.2020 and amendment to Rule 41 of the MEPS Rules. The petitioner is transferred to the aided post on 26.04.2020. In view of that, amendment to Rule 41 of the Maharashtra Employees of Private Schools (Condition of Service) Regulations Act, 1977 and Rules and Notification dated 08.06.2020 would not apply.

5. We have in our judgment and order dated 04.07.2019 in Writ Petition No.1493/2018 with other connected writ petitions held that some of the clauses of circular dated 28.06.2016 are erroneous.

6. In light of the above, impugned order is quashed and set aside.

7. The Divisional Deputy Director of Education, Latur Division shall re-examine the proposal submitted for approval to the transfer of the petitioner on aided post on its own merits in tune with the judgment and order of this Court dated 04.07.2019 in Writ Petition No.1493/2018 with other connected writ petitions. The Divisional Deputy Director of Education is required to consider the seniority, qualification, roster and all other aspects while deciding the proposal for approval. It shall not reject the proposal on the ground on which the impugned order is passed. The same shall be decided preferably within a period of six (06) months.

8. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-2021