

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

69 WRIT PETITION NO.2347 OF 2023

BADRINARAYAN JAGANNATH SHINDE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Sambhaji S. Tope.
AGP for Respondent/State : Mr. S. G. Karlekar.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 27th February, 2023.

Per Court:

1. The petitioner is aggrieved by the order dated 27th January, 2023 by which the approval has been refused as Rule 41A of the MEPS Rules, 1981, has been stayed by the Government of Maharashtra.

2. We have heard the learned advocates for the respective sides. This Court, at Nagpur, has passed an order dated 21st December, 2022 in Writ Petition No.8215 of 2022, thereby staying the circular dated 1st December, 2022 vide which the State of Maharashtra had stayed Rule 41 A. Apparently, this was not brought to the notice of the Education Officer when the impugned order was passed on 27th January, 2023.

3. In view of the above, this petition is partly allowed.

4. The impugned order dated 27th January, 2023, is quashed and set aside and the proposal pertaining to the petitioner seeking approval to his transfer from the unaided category to the aided category, in the vacancy created on account of the demise of Shri Vaijinath Yadavrao Pole, shall be decided afresh on it's own merits. We expect this exercise to be completed within 45 days.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]