

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

WRIT PETITION NO.3937 OF 2023

**SHAIKH RESHMA MOINODDIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for the Petitioners : Shri Pramod B. Gapat
AGP for Respondent 1/State : Shri P.S. Patil
Advocate for Respondent 2 : Shri V.C. Patil i/by Shri U.B.
Bondar
Advocate for Respondents 3 and 4 : Shri U.B. Gite

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

DATE :- 13th April, 2023

Per Court :-

1. The learned Advocate representing the Education Officer submits, on instructions, that he was not aware that the circular dated 01.12.2022 issued by the Government of Maharashtra staying the effect of Rule 41-A of the MEPS Rules, 1981, was stayed by the Nagpur Bench of this Court. It is submitted that if this Court deems fit and proper, the proposal concerning the Petitioners would be reconsidered on its own merits and also by taking into account the availability of surplus

teachers.

2. In view of the above, **this Writ Petition is partly allowed**. The impugned order dated 03.03.2023 is quashed and set aside.

3. The proposal pertaining to these Petitioners would be considered by the Education Officer (Primary) on its own merits and by taking into account the availability of surplus teachers, in the light of Rule 41-A of the MEPS Rules, 1981. Let a decision be arrived at after following the due procedure laid down in law, on or before 31.05.2023.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)