

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 WRIT PETITION NO.3924 OF 2023

SACHIN GOVIND BIBAVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Mr.S.T. Shelke, Advocate for the Petitioner.
Mr.S.G. Karlekar, AGP for Respondent/State.
Mr.S.S. Wagh, Advocate for Respondent No.3.
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th APRIL, 2023.**

PER COURT :-

1. The only grievance of the Petitioner is that the proposal dated 24.11.2022 forwarded by the management to the Education Officer for approving the transfer of the Petitioner from partially aided establishment to 100% aided establishment, be decided within a particular time frame. It is further pointed out that rule 41A will have applicability since the circular dated 01.12.2022 issued by the Government staying rule 41A, has now been stayed by this Court, at the Nagpur Bench in Writ Petition No.8215 of 2022.
2. The learned AGP submits that the petitioner's proposal would be considered strictly in accordance with the present status of the institution in respect of percentage of grants being extended.
3. In view of the above, this petition is disposed off. We

expect Respondent No.2 to deal with the proposal dated 24.11.2022 in the light of rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 by taking into account the actual percentage of grants being extended to the institution and pass appropriate orders based on the record and fact situation, on or before 31st May, 2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/