

2. The petitioners are aggrieved by the orders passed by the Education Officer (Secondary), in their respective matters, whereby, he has refused to grant approval to their transfers from unaided division to aided division as contemplated under Rule 41 A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short 'the MEPS Rules').

3. Learned Advocate for the petitioner submits that in similar set of facts in the matter of Manik Tukaram Maske Versus The State of Maharashtra, in Writ Petition No. 9245 of 2021, by the order dated 10 March 2022, this Court had relegated the matter to the Education Officer for decision afresh to enable him to ascertain the factual position.

4. In our considered view, the request is innocuous. It would also provide opportunity to the Education Officer to take appropriate steps, if there are indeed surplus teachers who are senior to the petitioners.

5. The Writ Petitions are partly allowed. The impugned orders are quash and set aside. The respondent no. 3 – Education Officer (Secondary), Zilla Parishad, Beed, shall re-consider the issue afresh in the light of the provisions of Rule 41 A of the MEPS Rules. However, approval shall not be refused on the ground of circular dated 01 April 2021. The decision shall be taken as expeditiously as possible and in any case within a period of twelve weeks from today.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

spc/