

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

59 WRIT PETITION NO.7016 OF 2023

TUKARAM SAMBHAJI BAGADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioner : Mr. Jadhav Vivek U.
AGP for Respondents-State : Mrs. M. A. Deshpande
...

**CORAM : MANGESH S. PATIL &
SHAILESH P.BRAHME, JJ.**

DATE : 26.06.2023.

PER COURT :

Heard the learned Advocate for the petitioner and the learned
AGP.

2. The petitioner who has been appointed as Assistant Teacher has
been transferred from unaided division to aided division and is seeking
approval to his such transfer.

3. By the impugned communication the respondent Education
officer (Secondary) has refused to grant approval only on the ground
of issuance of circular dated 01/12/2022. This Court in the matter of
Friends Social Circle, Akola through its Secretary, Mohd. Farooque

Gulam Gaus and Others Vs. The State of Maharashtra through its Secretary, Education and Sports Department, Mumbai and another, in Writ Petition No.8215 of 2022 (Nagpur Bench), by the order dated 21/12/2022, has stayed the operation of the circular dated 01/12/2022, whereby operation of Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 has been stayed.

4. We allow the writ petition partly, quash and set aside the impugned order and relegate the matter to the respondent No.2 Education Officer (Secondary) for fresh decision in accordance with law which shall be taken without resorting to circular dated 01/12/2022, as expeditiously as possible and in any case within a period of six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

vjg/-