

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 7442 OF 2023

LAHU TRIMBAK SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. M.D. Narwadkar
h/f. Mr. Thombre Chandrakant V.
AGP for Respondent Nos. 1 & 2 : Mrs. M.A. Deshpande
...

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

DATE : 05 JULY 2023

PC :

Heard learned Advocate for the petitioner and also learned
AGP for respondent nos. 1 and 2.

2. The petitioner's proposal for grant of approval from
unaided division to aided division has been turned down by the
impugned communication only on the ground of issuance of circular
dated 01 December 2022.

3. In the matter of Friend Social Circle, Akola through its
Secretary, Mohd. Farooque Gulam Gaus and others Versus 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 December 2022, operation of
this very circular dated 01 December 2022, has been stayed. It is

pertinently observed that the Administrative Circular cannot supersede the statutory provisions containing Rule 41 A of the MEPS Rules, 1981.

4. We allow Writ Petition partly and quash and set aside the impugned communication dated 02 June 2023 (Exhibit 'F') and relegated the matter once again to respondent no. 2 – Deputy Director, for decision afresh which shall be taken as expeditiously as possible and in any case within a period of eight weeks from today, however, without resorting to the ground as is mentioned in the impugned communication.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/