

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

WRIT PETITION NO. 8147 OF 2023

Sweta Vasantrya Gambhire .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

Shri S. B. Pulkundwar, Advocate for the Respondent Nos. 3 & 4.

Shri Kalyan V. Patil, Advocate for the Respondent Nos. 5 and 6.

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

DATE : 11 JULY 2023.

FINAL ORDER :

. The petitioner is aggrieved by the denial of approval by the respondent/Education Officer (Primary), Zilla Parishad, Nanded for her transfer from unaided to aided division.

2. We have heard both the sides.

3. The impugned order refusing to grant approval is exclusively based on the circular dated 01 December, 2022. In the matter of Friends Social Circle, Akola through its Secretary, and others Vs. State of Maharashtra through its Secretary and another vide order dated 21.12.2022 passed by the Division Bench of this Court at Nagpur, operation of this very circular dated 01.12.2022 has been stayed inter alia observing that such

administrative circular cannot supersede the statutory provision contained in Rule 41A of the Maharashtra Employees of Private Schools (Condition of Service) Rules, 1981.

4. The impugned order is quashed and set aside. The matter is remitted back to the Education Officer (Primary), Zilla Parishad, Nanded for reconsideration afresh on its own merits, in accordance with law. However, approval shall not be refused on the ground of circular dated 01 December 2022. The decision shall be taken as expeditiously as possible and in any case within a period of six (06) weeks from today. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23