

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

1043 WRIT PETITION NO.8649 OF 2023

**SARASWATI GOVINDRAO WATANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Mr. T. M. Venjane, Advocate for Petitioner
Mr. V. M. Kagne, AGP for Respondents State
Mr. J. M. Wagh, Advocate for Respondents 4 and 5
Mr. V. S. Valse, Advocate for Respondents 6 and 7

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 14th September, 2023

ORDER:

1. The Petitioner's grievance is that her application for considering her requests for shifting her from the unaided establishment to the aided establishment is pending before Respondent No.4- Education Officer (Primary), Zilla Parishad, Jalgaon and the same may be decided on its own merits.

2. The learned Advocate representing Respondent Nos. 4 and 5 submits that the Petitioner is disqualified since she is involved in the TET scam. The Petitioner submits that subsequently she has passed TET on 23.03.2023.

3. The above issue is to be considered under Rule 41 with regard to transferring any teacher from any aided, semi aided, partially aided

to the fully aided school within the contours of Rule 41-A of the Maharashtra Employees of Private School Rules, 1981. The learned Advocate for the Management submits that the Petitioner's application will be forwarded to the Education Officer, if there is no other legal impediment.

4. In view of the above, **this Petition is disposed off.**

5. Let Respondent No. 5 consider the application, if forwarded by the management, as per Rule 41-A keeping in view that this Court has quashed the Circular dated 01.12.2022 vide judgment dated 21.07.2023, in Writ Petition No.8215/2022 (Nagpur Bench), **Friends Social Circle and Others Vs. State of Maharashtra and another [2023 SCC Online Bom.1503]**. Needless to state, we have not expressed any opinion as regards the eligibility of the Petitioner.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan