

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

WRIT PETITION NO. 8948 OF 2023

**PARMESHWAR VISHNU REDDY
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

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Advocate for Petitioner : Mr. Deshmukh Shambhuraje V
AGP for Respondent No.1/State : Mr. S. G. Sangale
Advocate for Respondent No.2 : Mr. Prasant D. Suryawanshi

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

DATE : 25 JULY 2023.

PER COURT :

. Heard the learned Advocate for the petitioner, learned AGP and learned Advocate who appears suo moto for respondent no.2.

1. The petitioner who is serving as a Teacher has been transferred from unaided to the partially aided division pursuant to the provision of Rule 41(1) of the Maharashtra Employees of Private Schools Conditions of Service) Regulation Act, 1977 (M.E.P.S. for short) and is aggrieved by the impugned order passed by the respondent no.2/Education Officer (Primary), Zilla Parishad, Beed, refusing to grant approval on the ground that operation of Rule 41(1) of the M.E.P.S. has been stayed by the circular dated 01.12.2022.

2. This Court has been consistently holding that administrative directions cannot be superseded the statutory provision. In view of judgment passed by this Court at Nagpur Bench in Writ Petition No.8215/2022 in the matter of **Friends Social Circle & Others Vs. State of Maharashtra & Anr.**, we see what has been precisely observed and operation of the circular dated 01.12.2022 has been stayed.

3. In the light of above, we allow the writ petition partly. The impugned order is quashed and set aside. The respondent no.2/Education Officer (Primary) shall take a fresh decision on merits but shall not refuse to grant approval on the ground mentioned in the impugned communication.

4. The decision shall be taken as expeditiously as possible and in any case within six weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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