

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

945 WRIT PETITION NO.11439 OF 2023

BALASAHEB HARIBHAU DHAKANE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. S.R. Dheple h/f. Pawar Rahul S.
AGP for Respondents/State : Mr. S.G. Karlekar
Advocate for R/3 : Mr. P.D. Suryawanshi
Advocate for R/4 & 5 : Mr. S.S. Panale
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.**
DATE : 4th November, 2023

PC. :-

1. The impugned order is passed on the basis of a circulation dated 01.12.2022 issued by the State Government suspending the operation of the Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. There is no dispute that said circular dated 01.12.2022 was stayed by the order of this Court passed at Nagpur Bench on 21.12.2022 in Writ Petition No.8215/2022 Friends Social Circle, Akola and Others V/s. State of Maharashtra and Others. Subsequently, by a judgment dated 21.07.2023, the said petition along with a group of petitions, were allowed and the Circular dated 01.12.2022, was quashed and set aside.

2. In view of the above, **this Writ Petition is partly allowed.** The impugned order is quashed and set aside.

3. The proposal of the Petitioner is restored to the file of the Education Officer, who will consider it afresh in the light of Rule 41-A of the 1981 Rules, and pass a reasoned order, within 45 days from today.

4. In the event of any surplus teacher, the Education Officer shall carefully scrutinize the case and pass a reasoned order taking into account the rights of the surplus teachers, as are enshrined in law. Any grievance about the orders, that are to be passed by the Education Officer, can be voiced by the Petitioner in appropriate proceedings.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]