

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9236 OF 2023

CHANDRAKANT GANGADHAR CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Panpatte V. S.

AGP for Respondents/State : Mr. P. S. Patil

Advocate for Respondent No.3 & 4 : Mr. Rakesh C. Bramhankar

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

DATE : 31 JULY 2023.

PER COURT :

. Heard the learned Advocate for the petitioner, as also learned AGP and learned Advocate who appears for respondent no.3 & 4.

1. By the impugned order, the respondent no.2/Deputy Director of Education, Latur has refused to grant approval to the transfer of the petitioner from unaided to the aided division pursuant to the Government Circular dated 01.12.2022.

2. 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.** and connected matters decided on 21.07.2023, we see what has been precisely observed and to the extent

of circular dated 01.12.2022, the operation of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 has been set aside for want of power with the respondent no.1.

3. In the light of above, we allow the writ petition partly. The impugned order is quashed and set aside and the matter is relegated back to the respondent no.2/Deputy Director of Education, Latur to take a fresh decision on its own merits but not by referring to the circular dated 01.12.2022.

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.]

Najeeb...