

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 WRIT PETITION NO.9372 OF 2023

1] Govind S/o Gangadhar Gangatir
2] Sonali D/o Dashrathrao Shirse
3] Satish S/o Madhavrao Ashtikar .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

...
Advocate for Petitioners : Mr. Panpatte V. S.
AGP for the respondent – State : Mr. S.K. Tambe
...

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

DATE : 01 AUGUST 2023

PC :

Heard.

2. The petitioners who have been transferred from unaided division to aided division are challenging the order passed by the respondent – Education Officer (Secondary) refusing to grant approval to such transfer effected under rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules on the ground of circular dated 01-12-2022 whereby operation of that rule has been stayed by the government.

3. In the matter of ***Friends Social Circle, Akola and others Vs. State of Maharashtra and others*** (writ petition no. 8215 of 2022 and connected writ petitions – Nagpur bench judgment dated 21 July 2023) the very circular dated 01-12-2022 has been quashed and set aside. That being the only reason assigned by the Education Officer, the order is liable to be quashed and set aside.

4. The writ petition is allowed.

5. Impugned order is quashed and set aside.

6. The matter is remanded back to the respondent – Education Officer (Secondary), Zilla Parishad, Nanded for decision in accordance with law. However, he shall not refuse to grant approval by referring to the circular dated 01-12-2022.

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

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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