

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

WRIT PETITION NO. 10086 OF 2023

Dilipkumar Mhatardeo Avhad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Navin S. Shah, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 17 AUGUST 2023.

FINAL ORDER :

. Heard. The petitioner is aggrieved by the order passed by the respondent No. 3/Education Officer (Secondary) refusing to grant approval to his transfer effected under Rule 41 of the M. E. P. S. Rules, 1981, from unaided division to aided division.

2. We have heard the learned advocate for the petitioner and the learned Assistant Government Pleader for the respondent Nos. 1 to 3.

3. The impugned order refusing to grant approval to the transfer has been passed on the ground of Government Circular dated 01 December 2022, by which operation of Rule 41 of the M.E.P.S. Rules was stayed. However, in the matter of **Friends Social Circle, Akola through its Secretary, Mohammad Farooque**

Gulam Gaus and others Vs. State of Maharashtra and another in Writ Petition No. 8215 of 2022 this Court (Nagpur Bench) by order dated 21.07.2023 has quashed the circular dated 01 December 2022.

4. In view of the above, the writ petition is allowed partly. The impugned order is quashed and set aside. The respondent No. 3 shall decide the proposal of the petitioner afresh on its own merits, but shall not reject it on the ground of circular dated 01 December, 2022. The decision shall be taken as expeditiously as possible and in any case within a period of four (04) weeks from today.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23