

(1)

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

950 WRIT PETITION NO.10341 OF 2023

NILESH UTTAM BUDHIWANT
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

AND
951 WRIT PETITION NO.10343 OF 2023

DEEPA BAJRANG RANSING
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

....

Mr Aummaheshwari S. Jadhav, Advocate for Petitioners;
Mr S. G. Karlekar, A.G.P. for Respondent Nos.1 & 2

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 22nd August, 2023

PER COURT:

1. In both these matters, the Petitioners are aggrieved by the fact that Respondent No.2/ Education Officer is not passing any order on the proposals tendered by the Management, seeking transfer of the Petitioners from the unaided category to the aided category.

(2)

2. The Petitioners apprehend that, the order is not being passed since Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short 'the 1981 Rules') has been stayed by the Circular dated 01/12/2022. However, the said Circular was already stayed by an interim order passed by the Nagpur Bench of this Court, dated 21/12/2022, in Writ Petition No.8215/2022 (Friends Social Circle, Akola, thr. it's Secretary and others Vs. The State of Maharashtra and another). In this backdrop, this Court has passed an order, dated 25/04/2023, in Writ Petition No.4618/2023 and connected petitions, directing the Education Officer, to decide the said pending proposals in the light of Rule 41-A of the 1981 Rules.

3. The Nagpur Bench has recently delivered a judgment dated 21/07/2023 in the aforesaid Writ Petition No.8215/2022 and other connected petitions, quashing the Government Circular dated 01/12/2022.

4. In view of the above, **both these petitions are disposed off**, with a direction to Respondent No.2/ Education Officer, to decide both the proposals of the Petitioners, dated 20/06/2022, by following the due procedure laid down in law and

(3)

in the light of Rule 41-A of the 1981 Rules, within 60 days from today.

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)