

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 WRIT PETITION NO.10663 OF 2023

ATKARE RAHUL JALINDER
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S PRINCIPAL
SECRETARY AND OTHERS

Mr.S.V.Deshmukh, Advocate for the Petitioner.
Mr.V.M.Kagne, AGP for the Respondent/State.
Mr.P.D.Suryawanshi, Advocate for the Respondent/Zilla Parishad, Beed.

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

DATE : AUGUST 28, 2023

PER COURT :

1. The learned Advocate on the panel of Zilla Parishad was requested by us to cause an appearance since a short issue is involved. He, therefore, caused his appearance.

2. We have heard the learned Advocates for the respective sides.

3. The circular dated 01.12.2022 staying the effect of Rule 41-A of the MEPS Rules, 1981 was stayed by this Court at the Nagpur

Bench in **WP No.8215/2022**, on 21.12.2022. Subsequently, vide judgment dated 21.07.2023, in **Friends Social Circle and Others Vs. State of Maharashtra and another [2023 SCC Online Bom.1503]**, that petition is allowed and the said circular dated 01.12.2022 is quashed and set aside. In view of the above, the impugned order dated 10.08.2023 which is on the presumption that the circular is in operation, would not survive.

4. Therefore, **this petition is allowed**. The impugned order is quashed and set aside.

5 We place the proposal of the Petitioner for transfer and approval from the partially aided establishment to the fully aided establishment, before the Education Officer (Primary). He would follow Rule 41-A and consider the proposal afresh and pass a reasoned order within 45 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)