

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

932 WRIT PETITION NO.10442 OF 2023

PAWAR JOTIRAM SAHADEV
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. C. V. Thombre,
AGP for Respondents State: Mr. P. K.Lakhotiya

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 6th September, 2023

ORDER:

1. The proposal for transfer of the Petitioner from aided to aided school is rejected by the Education Officer, Zilla Parishad, Beed Division vide the impugned order dated 10.08.2023 in the light of the Government Circular dated 01.12.2022, by which Rule 41-A of the Maharashtra Employees of Private Schools Rules, 1981 was kept in abeyance.

2. We do not have to consider the entire submissions of the learned Advocates for the respective sides in view of the fact that the said Circular dated 01.12.2022 was stayed by the Nagpur Bench on 21.12.2022 in Writ Petition No.8215/2022. Recently on 21.07.2023, the said circular has been quashed and set aside vide the judgment

delivered in **Friends Social Circle and Others Vs. State of Maharashtra and another [2023 SCC Online Bom.1503]**.

3. In view of above, **this petition is partly allowed**. The impugned order dated 10.08.2023 stands quashed and set aside. The Petitioner's proposal is restored to the file of the the Education Officer, Zilla Parishad, Beed to be considered afresh in the light of Rule 41-A, within 45 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan