

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

WRIT PETITION NO.10908 OF 2023

**PRAKASH ANANDA WABLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND ANOTHER**

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Advocate for the Petitioners : Shri Ghatge Mahesh V.
AGP for Respondent 1/State : Shri S.G. Karlekar
Advocate for Respondent 2/ZP : Shri S.B. Pulkundwar

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

DATE :- 01st September, 2023

Per Court :-

1. This is yet another example of the Education Officer relying on the circular dated 01.12.2022 introduced by the State for staying the effect and operation of Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. There must have been at least hundred cases ever since December, 2022, wherein this Court has been passing orders in the light of the circular having been stayed,

initially by the order dated 21.12.2022 in Writ Petition No.8215/2022 (*Friends Social Circle, Akola and others vs. State of Maharashtra and others*) and group of cases at the Nagpur Bench which was followed by the judgment delivered on 21.07.2023 in these matters thereby quashing the said circular. Yet, the proposals are rejected on the ground of the circular dated 01.12.2022.

2. The learned Advocate for the Petitioners is right in submitting that this petition was required to be filed only because of the conduct of the Education Officer. This is unnecessary litigation, which is creating unnecessary burden on the Court.

3. In view of the above, **the Writ Petition is allowed.** The impugned order dated 29.08.2023 is quashed and set aside by imposing costs of Rs.5000/- (Rupees Five Thousand) on the Education Officer (Primary), Zilla Parishad, Hingoli. The said amount shall be deposited in this Court on or before 15.09.2023, by the Education Officer from his salary account by cheque payment.

4. The learned Advocate for the Petitioners submits that the amount may be donated to the Bar Library of the Advocates' Association of Bombay High Court, Bench at

Aurangabad. We order accordingly.

5. Needless to state, the proposal shall be considered afresh in the light of Rule 41-A within 60 days from today.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)