

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

921 WRIT PETITION NO.11141 OF 2023

DIPALI DHARMARAJ KUDALE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Tukaram Maruti Venjane
AGP for Respondents State: Mr. S. K. Lakhotiya

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

DATE : 6th September, 2023

ORDER:

1. The proposal for transfer of the Petitioner from partly aided to aided establishment, is rejected by the Deputy Director of Education, Latur Division vide the impugned order dated 27.12.2022 in the light of the Government Circular dated 01.12.2022, by which Rule 41-A of the Maharashtra Employees of Private School 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 is stayed by the Nagpur Bench of this Court 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 27.12.2022 stands quashed and set aside.

4. The Petitioner's proposal is restored to the file of the Deputy Director of Education, Latur Division in the light of Rule 41-A. Let such decision be delivered within 45 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan