

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

14 WRIT PETITION NO.12037 OF 2023

**BHARAT SHRIMANT DANVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Tukaram Maruti Venjane
AGP for the Respondents-State : Mr. A. V. Deshmukh

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

DATE : 16th October, 2023

ORDER:

1. The proposal for transferring the Petitioner from the unaided to the aided establishment, is rejected by the Education Officer (Secondary), Zilla Parishad, Jalna vide the impugned order dated 19.09.2023, concluding that the Government Circular dated 01.12.2022 has stayed Rule 41-A of the Maharashtra Employees of Private School Rules, 1981.

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 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 19.09.2023 stands quashed and set aside.

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

5. Since the impugned order is passed after the judgment delivered in **Friends Social Circle (supra)** and though the Circular dated 01.12.2022 was stayed earlier by order dated 21.12.2022, finally being quashed and set aside vide judgment dated 21.07.2023 (supra), we are imposing cost of Rs.10,000/- on the concerned Education Officer which, he shall deposit in this Court by an account payee cheque from his salary Bank Account. Mr. Venjane, the learned Advocate graciously submits that the said amount be donated to the Bar Association's Library. Hence, ordered accordingly.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPCChavan