

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

WRIT PETITION NO.14112 OF 2023

**VARSHA SUDHAKAR WAGH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Tukaram Maruti Venjane
AGP for Respondents 1 to 3 : Shri A.V. Deshmukh
Advocate for Respondent 4 : Shri U.B. Bondar
...

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

DATE :- 08th November, 2023

Per Court :-

1. The Education Officer (Primary), Aurangabad, Smt.Jaishri Chavan is present in the Court.

2. The learned Advocate for the Respondent/ Zilla Parishad submits, on instructions from her, that the impugned order dated 19.10.2023 shall be withdrawn forthwith and the proposal concerning the present Petitioner, would be considered on it's own merits in the light of Rule 41-A of the MEPS Rules, 1981.

3. We expect the decision on the pending proposal of

the Petitioner, by 29.12.2023.

4. Since we have come across several such orders erroneously following the Government circular dated 01.12.2022 (suspending the operation of Rule 41-A), which was already stayed by this Court on 21.12.2022 and finally quashed and set aside by the judgment dated 21.07.2023 in Writ Petition No.8215/2022 (*Friends Social Circle, Akola and others vs. State of Maharashtra and others*) and group of cases, we direct the present Director of Education Shri Sharad Gosavi, to issue the circular to all the Education Officers (Primary and Secondary) in the State of Maharashtra, if yet not circulated, to apprise them that the circular dated 01.12.2022 has been quashed and set aside by the High Court and should never be followed.

5. In view of the above, **this Writ Petition is disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)