

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 15531 OF 2023**

Shri Vijay Ananda Kumbhar ]  
Age: 33 Years, Occupation: Service ]  
R/o. A/p. Save. Taluka, Sangola, ]  
District: Solapur ] .... Petitioner.

V/s

1] The State of Maharashtra, ]  
Through the Secretary, ]  
School Education and Sports ]  
Department, Mantralaya, ]  
Mumbai – 400 032 ]  
] ]  
2] The Commissioner of Education ]  
School Education Department, ]  
Maharashtra State, Pune. ]  
] ]  
3] The Director of Education, ]  
(Secondary and Higher Secondary), ]  
Maharashtra State, Pune-1 ]  
] ]  
4] The Deputy Director of Education, ]  
Pune Region, Pune, having office at ]  
17, Dr. Babasaheb Ambedkar Road, ]  
Camp, Pune. ]  
] ]  
5] The Education Officer(Secondary) ]  
Zilla Parishad, Solapur, ]  
Having Office at, Zilla Parishad ]  
Building, Solapur. ]  
] ]  
6] Katphal Shikshan Prasarak Mandal ]  
Katphal, Taluka : Sangola, ]  
District : Solapur Through ]  
its President/Secretary ]  
] ]  
7] Pratapsinh Vidyalay (Kalevasti) ]  
Chandrapuri, Taluka: Malshiras, ]  
District : Solapur, Through its Head Master.] ...Petitioners.

Mr. Akhil Kupade a/w Mr. Sushant A. Khatake for the Petitioner  
Mr Wasim Samlewale for Respondent Nos. 6 and 7  
Mr. R.P. Kadam, AGP for Respondents-State.

**CORAM : A.S. CHANDURKAR &  
FIRDOSH P. POONIWALLA, JJ**

**DATE : 22<sup>nd</sup> DECEMBER, 2023**

**PC. :**

1] The learned Counsel for the Respondent Nos. 6 and 7 is at liberty to file Vakalatnama.

2] Rule. Rule made returnable forthwith.

3] The learned AGP waives service of notice for Respondent Nos. 1 to 5 and the learned Counsel for the Respondent No.6 and 7 also waives service of notice.

4] The transfer of the Petitioner from unaided Section to aided Section pursuant to the order of transfer dated 20/04/2023 has not been approved by the Education Officer (Secondary) on 12/05/2023 on the ground that the provisions of Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 had been stayed by the Circular dated 01/12/2022. This issue is no more *res integra* in view of the decision in Writ Petition No.8215 of 2022 and connected Writ Petitions which were decided on 21/07/2023 by the Nagpur Bench of this Court. Hence, for the reasons assigned in the said judgment, the following order is passed:-

(i) The Order dated 12/05/2023 passed  
by the Education Officer (Secondary) is set

aside;

(ii) The Education Officer (Secondary) shall re-consider the proposal dated 02/05/2023, seeking such approval and decide the same within a period of four weeks on its own merits after giving an opportunity to the parties. The decision taken be communicated to the parties.

(iii) Needless to state that in case the Petitioner's transfer is approved, consequential benefits shall be made available.

5] Rule is made absolute in the above terms.

[ FIRDOSH P. POONIWALLA, J]

[A.S. CHANDURKAR, J. ]