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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4437 OF 2023

Sonawane Manoj Gulabrao
Aged about : 42 years,
Occ: Service,
R/at : At post Warkundane,
Taluka Sakri, District Nashik
V/s.

... Petitioner

1. The State of Maharashtra
Through its Chief Secretary,
Ministry of School Education
and Sports,
Government of Maharashtra,
Mantralaya, Mumbai
2. The Education Officer (Secondary),
Zilla Parishad, Nashik,
having office at: New Administrative
Building, Zilla Parishad, Trimbak Naka,
Nashik, 422001.
3. The Chairman,
Madhyamik Lokshikshan Mandal,
having office at : S. G. Public School
compound, Sinnar, Tal. Sinnar,
Dist. Nashik 422103.
4. The Head Master,
S. G. Public School Madhyamik,
having address at : G. Public School
Compound, Sinnar, Tal. Sinnar,
Dist. Nashik 422103.

... Respondents

Mr. Milind Deshmukh a/w. Mr. Shailesh Chavan for Petitioner.
Ms. A. A. Purav, AGP for Respondent-State.

CORAM : A. S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.
DATE : 8th DECEMBER 2023

Oral Judgement (Per A. S. Chandurkar J.):

1. Rule. Rule made returnable forthwith and heard the learned Counsel for the parties.

2. The proposal seeking approval to the appointment of the Petitioner from a partially aided post to fully aided post has been rejected by the Education Officer (Secondary) on 4th January 2023 for the reason that vide Circular dated 1st December 2022 provisions of Rule 41-A of the Maharashtra Employees of Private Schools (Condition of Service) Rules, 1981 have been stayed. It is common ground that this issue has been considered and decided in Writ Petition No. 8215 of 2022 in the case of *Friends Social Circle, Akola & Ors. Vs. State of Maharashtra & Ors.* by the judgment dated 21st July 2023 at the Nagpur bench. Hence for the reasons assigned in that judgment the following order is passed.

- a. The impugned communication dated 4th January 2023 issued by the Education Officer (Secondary) is set aside. Education Officer (Secondary) shall consider the proposal

seeking approval to the appointment of the Petitioner from partially aided post to fully aided post in accordance with law. Such decision be taken within a period of four weeks of receiving copy of this Judgment.

b. Needless to state that if the Petitioner is aggrieved by such fresh decision, he is free to take such steps as permissible in law for seeking redressal in that regard.

3. Rule is made absolute with no order as to costs.

(FIRDOSH P. POONIWALLA, J.)

(A. S. CHANDURKAR, J.)