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

998 WRIT PETITION NO. 421 OF 2024

MUBARAK MAHAMAD MALJAPTE
VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

....

Mr A. S. Jadhav, Advocate h/f Mr P. R. Katneshwarkar, Advocate
for Petitioner;

Mr R. S. Wani, A.G.P. for Respondent Nos.1 & 2

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

DATE : 10th January, 2024

PER COURT:

1. The Petitioner was appointed on unaided establishment on 15/06/2007. His approval for the said post is dated 10/11/2015. He completed service of thirteen years on the said post. He was transferred on the 80% aided establishment on 01/11/2020. Subsequently, he has been transferred on the 100% aided establishment on 01/07/2022.

2. The Petitioner is aggrieved by the fact that Respondent No.2/ Deputy Director of Education, Pune is not passing any order on the proposal of the Petitioner, dated 16/07/2022, tendered by the Management, seeking approval to his

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transfer from 80% aided establishment to the 100% aided establishment.

3. The Petitioner apprehends that, the order is not being passed since Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short 'the 1981 Rules') has been stayed by the Circular dated 01/12/2022. However, the said Circular was already stayed by an interim order passed by the Nagpur Bench of this Court, dated 21/12/2022, in Writ Petition No.8215/2022 (Friends Social Circle, Akola, thr. it's Secretary and others Vs. the State of Maharashtra and another). In this backdrop, this Court has passed an order, dated 25/04/2023, in Writ Petition No.4618/2023 and connected Petitions, directing the Education Officer, to decide the said pending proposals in the light of Rule 41-A of the 1981 Rules.

4. The Nagpur Bench has recently delivered a judgment dated 21/07/2023 in the aforesaid Writ Petition No.8215/2022 and other connected petitions, quashing the Government Circular dated 01/12/2022.

5. In view of the above, **this Petition is disposed off**, with a direction to Respondent No.2/ Deputy Director of

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Education, Pune, to decide the proposal of the Petitioner, dated 16/07/2022, by following the due procedure laid down in law and in the light of Rule 41-A of the 1981 Rules, within 60 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk