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

WRIT PETITION NO. 4210 OF 2024

WAGHOLE DAGADU ABBAS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER**

....

Mr Sanjay E. Sarode, Advocate h/f Mr C. V. Thombre, Advocate
for Petitioner;

Mr P. K. Lakhotiya, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

R. M. JOSHI, JJ.

DATE : 24th April, 2024

PER COURT:

1. Heard the learned Advocate for the Petitioner and the
learned A.G.P. for the State Authorities.

2. The Petitioner has been granted permanent approval
on 'no grant' basis'. The teaching staff *sanch manyata* dated
07/08/2023 for the year 2022-23 indicates that, there are 9 aided
permanent sanctioned teaching posts. However, 10 persons are
working on the aided posts. The Petitioner prays that the proposal
forwarded by his Management, dated 05/11/2023, seeking

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approval to his transfer from the unaided establishment to the fully aided establishment, is pending before the Education Officer (Secondary), Zilla Parishad, Beed, and the same may be directed to be decided.

3. The learned A.G.P. is right in contending that Rule 41A of the Maharashtra Employees of Private Schools (Condition of Service) Rules, 1981 (for short 'the 1981 Rules'), will have to be strictly followed while scrutinizing the said proposal of the Petitioner. The number of sanctioned posts in the aided establishment will also be decisive factor if the Petitioner is beyond the sanctioned strength.

4. In view of the above, **this Writ Petition is disposed off.** Let Respondent No.2/ Education Officer (Secondary), Zilla Parishad, Beed deal with the said proposal of the Petitioner, strictly in accordance with Rule 41A of the 1981 Rules, by following the due procedure laid down in law. Objections of all the stakeholders may be considered and a decision may be arrived at within a period of 90 days. In the event of there being any

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deficiencies in the proposal, the Education Officer would call upon the Management to remove the said deficiencies.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk