

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7661 OF 2024**

Usha Rajendra Gore and Anr.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

Mr. Vinayak R. Kumbhar a/w. Mr. Rajendra B. Khaire i/b.
Mrs. Ashwini Bandiwadekar for the Petitioners.
Mr. V.M. Mali, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 9th DECEMBER, 2024

P.C. :-

1. The proposal for seeking approval to the transfer of Petitioner No.1 from the unaided to aided establishment, has been turned down by order dated 27th September, 2023 passed by the Education Officer, concluding that Rule 41(A) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, has been stayed by the Circular dated 1st December, 2022.

2. It is undisputed that the Circular dated 1st December, 2022 was initially stayed by this Court at the Nagpur Bench in Writ

Petition No.8215 of 2022 (*Friends Social Circle, Akola and others vs. State of Maharashtra and others*) and eventually, by Judgment dated 21st July, 2023, the Writ Petition was allowed and the Circular was quashed.

3. In view of the above, **this Writ Petition is partly allowed.**

4. The impugned order dated 27th September, 2023 is quashed and set aside. Respondent No.3 Education Officer shall consider the proposal forwarded by the Management dated 29th August, 2023 strictly in accordance with Rule 41(A) and would also consider the availability of surplus teachers who have to be granted precedence. The Government Resolution dated 29th April, 2024, shall be considered while deciding the said proposal on its merits. We make it clear that we have not expressed any opinion in favour of the proposal.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)