

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

WRIT PETITION NO. 11844 OF 2024

Vijay Sambhaji Sawant.

... Petitioner.

Versus

The State of Maharashtra & Ors.

... Respondents.

Mr. Avinash Belge, for the Petitioner.

Ms. Pratibha Gavhane, AGP for Respondent Nos. 1 to 4-State.

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

DATE : 26th NOVEMBER, 2024

P.C. :

1. This is yet one more case wherein the Deputy Director of Education, Kolhapur Division, Shri Mahesh Chothe, has passed an order on 8th January, 2024 declining to consider the proposal forwarded by the Management under Rule 41-1(sic.41A), quoting the reason that the circular dated 1/4/2021 (sic.01/12/2022), has been stayed.

2. The Aurangabad Bench has issued directives to the Principal Secretary, Education and the Secretary, GAD to inform all Education departments in the State of Maharashtra that Rule 41A is in

operation considering that the Circular dated 1/12/2022, has being quashed and set aside by Judgment dated 21th July, 2023 in Writ Petition No. 8215 of 2022 (*Friends Social Circle, Akola and others vs. State of Maharashtra and others.*). Despite the same, a high ranking officer like the Deputy Director Education continues to labour under the misconception that Rule 41A is not in operation.

3. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 08/01/2024, is quashed and set aside by imposing nominal costs of Rs. 2500/- which the Deputy Director, Education, Kolhapur Shri Mahesh Chothe, will pay to the Petitioner from his salary account, within 30 days.

4. The matter stands remitted to the office of the said Respondent No. 3, who shall consider the same by conducting a proper verification exercise in the light of Rule 41A of the MEPS Rules, 1981. Let this exercise be completed within 75 days from today. Parties shall be issued with the notices and due procedure laid down in law shall be followed by Respondent No.3.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

Talwalkar

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