

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8529 OF 2024

Mohini Rajaram Patil

...Petitioner

Versus

The State Of Maharashtra & Ors.

...Respondents

Mr. Onkar Wable a/w Mr. Swapnil Vighne, Advocate for the
Petitioner.

Ms. Reena Salunkhe, APP for Respondent Nos.1 to 3.

CORAM : RAVINDRA V. GHUGE
&
M.M. SATHAYE, JJ.

DATE :- 15th OCTOBER, 2024

PER COURT :-

1. This is yet one more case of an Education Officer (Secondary), Zilla Parishad, who is oblivious of the Judgment of this Court dated 21st July, 2023 delivered in *Friends Social Circle, Akola through Secretary, Mohd. Farooque Gulam Gaus and others vs. The State of Maharashtra and others, Writ Petition No.8215/2022*. The Circular issued by the Government dated 1st December, 2022 keeping in abeyance the effect of Rule 41(A) of the Maharashtra Employees of Private Schools' (Conditions of Service)

Rules, 1981, has been quashed and set aside.

2. The State Government has also issued a Government Resolution indicating to all Authorities of the Education Department, not to rely on the Circular dated 1st December, 2022. Yet, the Education Officer Shri. Rajesaheb Londhe appears to be unaware of the said Judgment as well as the Government Resolution. In fact, these are fit cases for initiating disciplinary action against the Education Officers for creating litigation and compelling litigants to rush to the High Court.

3. In view of the above, **this Writ Petition is partly allowed.** The impugned order is quashed and set aside.

4. The proposal forwarded by the Management, is restored to the file of the Education Officer (Secondary), Zilla Parishad, Sangli, who shall strictly follow the conditions set out in Rule 41(A), while dealing with the proposal. We make it clear that we have not expressed any opinion as regards the merits of the proposal and the Education Officer is at liberty to deal with the same by carrying out a meticulous inquiry in terms of the various clauses of Rule 41(A).

5. Let this exercise be completed within a period of 60 days from today.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)