

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6961 OF 2024

Anjuman Ittehad-O-Taraqqi Trust And Ors ...Petitioners
Versus
State Of Maharashtra And Anr ...Respondents

Mr. Rahul S. Kadam for the Petitioners.
Mr. S. H. Kankal, AGP for the Respondent-State

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 24 JUNE 2024

P.C.:

1. The Petitioner Nos. 1 and 2 are the Management and the School. The Petitioner No. 3 is an Assistant Teacher working with the Petitioner Nos. 1 and 2. Petitioner Nos. 1 and 2 submitted a proposal on 10 February 2023 for posting the Petitioner No. 3 from unaided to aided division in the said school. This proposal is rejected by the impugned order dated 10 April 2023.
2. The rejection by the Education Officer (Secondary), Zilla Parishad Pune is based on the Government Resolutions dated 8 June 2020 and 1 April 2021. These Resolutions have stayed the operation of the Rule 41A of Maharashtra Employees of Private Schools (Conditions of

Service) Rules, 1981.

3. View taken by this Court that these Government Circulars/Resolutions cannot suspend the operation of the statutory provisions, is consistently followed and is also accepted by the State Government. In the light thereof, the impugned order cannot be sustained.

4. The impugned order dated 10 April 2023 is accordingly quashed and set aside. The proposal of the Petitioner is restored to file. Further steps be taken as per the Government Resolution dated 29 April 2024.

5. The Writ Petition is disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)