

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14142 OF 2024

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Manisha Ankush Hagare And Ors ...Petitioners
Versus
The State Of Maharashtra And Ors ...Respondents

Mr. Laxman S. Deshmukh, for Petitioners.
Mr. Abhijeet Naik, AGP for Respondent Nos.1 to 3.

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

DATE : 16th OCTOBER, 2024

P.C.:

1. This is yet one more case wherein the impugned order is passed by the Education Officer (Secondary), being completely oblivious of the fact that the Circular of the State Government dated 01/12/2022, which was stayed by this Court at the Nagpur Bench in *Writ Petition No. 8215 of 2022 (Friends Social Circle, Akola V. State of Maharashtra and Ors.)* and which was finally quashed and set aside by the Judgment dated 21/7/2023. Yet, he does not deal with a proposal under the presumption that the Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, has been stayed.

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2. This Court must have delivered hundreds of orders in such matters setting aside such orders. Yet, the Education Officers continue to pass such orders. Time has come for this Court to start imposing costs on the Education Officers, if they continue to pass such orders after the Judgment dated 21/7/2023 delivered in the **Friends Social Circle, Akola (supra)**.

3. In fact, the Department of School Education and Sports, Government of Maharashtra has issued a Government Resolution dated 29/4/2024, bringing to the notice of the concerned authorities that such proposals for transfer from un-aided to aided/semi aided to aided establishment u/Rule 41A, should be placed before the authority prescribed in the said GR.

4. The learned Advocate for the Petitioner submits that the Management has now tendered a fresh proposal in view of the Judgment of this Court in **Friends Social Circle, Akola (supra)**.

5. As such, **this Writ Petition is partly allowed**. The impugned order dated 10/01/2024, is quashed and set aside. We caution the Education Officer that, henceforth, he/she would not pass such orders in view of Rule 41A having been sustained.

Since the new proposal has been tendered by the Management, the Education Officer would consider the said proposal by conducting a meticulous verification exercise keeping in view all the conditions set out in Rule 41A and thereafter, pass an appropriate reasoned order. Let this exercise be completed within a period of 60 days.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)