

December, 2022 staying the operation of Rule 41 A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (the Rules of 1981), and has passed an order stating that Rule 41A (wrongly mentioned as Rule 41-1 in the impugned order) has been stayed. This ground is taken up as one of the grounds for rejection of the proposal seeking approval of the transfer from the unaided to the aided establishment.

3. The learned AGP refers to a Government Circular dated 3rd October, 2024 to state that now all the proposals with regard to transferring from the unaided to the partially aided and the partially aided to the fully aided establishments, for approval purposes, will be referred to the Secretary, School Education and Sports Department, Mantralaya, Mumbai.

4. We find a serious error committed by the State of Maharashtra in the said Government Circular dated 3rd October, 2024 that is, the State has referred to Rule 41-1 of the Rules of 1981 instead of 41A which is an amended provision inserted by a Government Notification dated 8th June, 2020 which exclusively deals with the conditions for transfer of teacher from unaided to partially aided or aided school or division.

5. As such, at the outset, we direct the Principal Secretary (School Education and Sports Department) to amend the Government Circular and replace the figures 41-1 with 41A of the Rules of 1981. Since the Government Circular has now been issued by the State Government and as Respondent No.1 would be deciding the proposal for approving such transfers, **this Writ Petition is disposed off.**

6. The impugned order dated 23rd January, 2024, in which several deficiencies were pointed out and yet the proposal was rejected, stands quashed and set aside. The said communication would be treated as a notice to Petitioner No.2 Management for the purpose of removal of deficiencies. Let such deficiencies be removed within a period of 15 days from today and the Management shall tender an updated proposal to Respondent No.3. Within 15 days from the receipt of the proposal, Respondent No.3 would ensure that the proposal reaches Respondent No.1.

7. Thereafter, Respondent No.1 shall follow the due procedure laid down in the law and shall pass a reasoned order within a period of 60 days from the date of receipt of the proposal. Needless to state, the updated proposal would be considered strictly in accordance with Rule

41A of the Rules of 1981. We record that since the deficiencies are already pointed out, the Education Officer is precluded from searching for any further deficiencies, other than those which have been already raised for the first time.

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)