



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4014/2024

1. Shri Bhavbhuti Shikshan Sanstha,
Amgaon, Tah. Amgaon, Dist. Gondia
through its Secretary, Shri Kesharao
Laxmanrao Mankar
 2. Ramkrishna Vidyalaya and Junior College,
Kurhadi, Tah. Amgaon,
Dist. Gondia, through its Principal.
 3. Ravindra Vidyalaya and Junior College,
Chopa, Tah. Goregaon,
Dist. Gondia, through its Principal.
 4. Ku. Prachi Nikunj Tiwari,
Aged 34 years, Occupation-Service,
R/o C/o Ramkrishna Vidyalaya and
Junior College, Kurhadi, Tah. Amgaon,
Dist. Gondia.
 5. Ku. Snehanisha Shantilal Chaudhary,
Aged -39 years, Occupation-Service,
R/o C/o. Ravindra Vidyalaya and
Junior College, Chopa, Tah-Goregaon,
Dist. Gondia
- ... Petitioners.

Versus

1. State of Maharashtra.
through its Secretary,
Department of Education and Sport,
Mantralaya, Mumbai-32.
 2. Deputy Director of Education,
Nagpur Division, Nagpur.
- ... Respondents.

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Mr. P. N. Shende, Advocate for petitioners.
Mr. S.M.Ghodeswar, A.G.P for respondent nos.1 and 2.

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CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATED : 18/09/2024

ORAL JUDGMENT (Per Nitin W. Sambre, J)

1. Rule. Rule made returnable forthwith. Heard finally with consent of the parties.
2. The petitioners are assailing the order dated 20.12.2023 passed by the respondent 2-Deputy Director of Education, Nagpur Division, Nagpur, whereby approval to the transfer of petitioner nos. 4 and 5 from unaided school to aided school of the same management is refused.
3. Perusal of the order impugned reveals that the reason stated is ban on new recruitment and on transfers from aided to unaided sections/schools.
4. It appears that the order is passed in view of the policy decision of the State Government to stay the effect and operation of Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.
5. The policy decision is already stayed by the Aurangabad Bench of the High Court.
6. We, therefore, quash the communication impugned.

7. The matter is remitted to the respondent 2-Deputy Director of Education, Nagpur Division, Nagpur, for fresh decision after hearing the petitioners.
8. Needless to observe, the respondent 2-Deputy Director of Education, Nagpur Division, Nagpur, shall give due consideration to the stay granted by the Aurangabad Bench of the High Court and further, detailed reasons shall be clearly recorded.
9. The petitioners shall appear before the respondent no.2 – Deputy Director of Education, Nagpur Division, Nagpur on 8th October, 2024.
10. The decision shall be taken within three weeks from the date of appearance of the petitioners.
11. The petition is allowed in the aforesaid terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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