



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

WRIT PETITION NO. 7757/2023

Avinash Deoraaji Khode and others

Vs.

**State of Maharashtra, through its Secretary, School Education and
Sports Department and another**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mrs. Smita Deshpande, Advocate for Petitioners
Mr. A.M. Ghagare, AGP for Respondents / State

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 8th MAY, 2024

The petition questions the order dated 06.10.2023, whereby the transfer of the petitioners from partially aided (40%) to fully aided (100%) post, has been rejected on the basis of circular dated 01/12/2022. The circular dated 01/12/2022, inasmuch as it stays the operation of Rule 41-A of the Maharashtra Employees of Private School (Conditions of Service) Rules, 1981, has been set aside for want of power in Writ Petition No.8215/2022 (Friends Social Circle, Akola Vs. State of Maharashtra) along with the connected petitions, in view of which, the impugned order dated 06/10/2023 (page 43) which rejects the approval on the basis

of the circular dated 01/12/2022 cannot be sustained. The petition is allowed in the above terms. No costs.

2. In case there is no further impediment, the respondent No.2 is directed to grant approval for the transfer in terms of the law as applicable. The same shall be done within a period of four weeks from today.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)