

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

38 WRIT PETITION NO.1965 OF 2024

Shamrao Tulshiram Khade And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

.....

Shri. Dhananjay A. Mane, Advocate for the Petitioners

Shri. S. B. Pulkundwar, AGP for the Respondent / State.

Shri. M. V. Salunke, Advocate for Respondent No.4

.....

**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : JULY 14, 2025

PER COURT :-

. The Petitioners, who were working as the Teachers in the Respondent No.6 - Junior College managed by Respondent Nos.4 and 5, have filed this Writ Petition with the following prayers:

"A. Writ Petition may kindly be allowed.

B. Writ Petition may kindly be allowed and the respondent management may kindly be directed to decide the representation dated 18.10.2023 submitted by the petitioners as expeditious as possible. By following the provisions of Rule 41-A of the Maharashtra Employees of Private School Rules 1981.

C. The Writ Petition may kindly be allowed and respondent management may kindly be directed to forward the proposal of the petitioners to the Deputy Director of Education at Chhatrapati Sambhajanagar in view of the provisions of Rule 41-A of the Maharashtra Employees of Private School Rules 1981 for absorbing them from unaided division to aided division as expeditiously as possible.

D. Pending hearing and final disposal of the writ petition the advertisement dated 21.01.2024 issued by the respondent management through Pavitra Portal in respect of Chemistry and Physics subjects notified at Sr. Nos. 16 & 17 may kindly be stayed.

E. Any equitable and suitable relief may kindly be granted in favour of petitioners.”

2. Learned Advocate for the Petitioners submits that by keeping all the points open the Respondent Nos.4 and 5 - Management be directed to forward the Petitioners' proposal to Respondent No.2 – Deputy Director of Education for taking decision in accordance with law and particularly in light of Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

3. Learned Advocate appearing for Respondent No.4 submits that the Management will forward the proposal of the Petitioners to Respondent No.2 - Deputy director of Education within a period of six (6) weeks.

4. Learned AGP for the State submits that, if such proposal is received, the same would be considered and decided in accordance with law and on its own merits.

5. In view of the above submissions, the Respondent Nos.4 and 5 - Management shall forward the proposal of the Petitioners to Respondent No. 2 - Deputy Director of the Education within a period of six (6) weeks from today. The Respondent No. 2 – Deputy Director of Education shall consider and decide the said proposal in accordance with law and on its own merits within a period of four (4) months thereafter. Writ Petition stands disposed off accordingly.

6. It is needless to state that we have not touched the point of seniority and all the points are kept open.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP