



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2943 OF 2025

SAGAR SHIVAJI RASKAR

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioner : Ms. Jadhav Aummaheshwari S.
AGP for Respondent Nos. 1 and 2 : Mr. V. M. Kagne

...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 03.03.2025

PER COURT :

. Heard learned advocate for the petitioner and the learned AGP who appears for respondent Nos. 1 and 2.

2. The petitioner, who claims to have been transferred by respondent No. 3 – management from unaided division to partially aided division, purportedly under Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, is awaiting approval on the proposal forwarded by the management on 08.08.2024.

3. Learned advocate for the petitioner submits that respondent No. 2 has been soliciting a fresh proposal by referring to

the Government Resolution dated 29.04.2024 and the Government Circular dated 03.10.2024 issued by the Ministry of School, Education and Sports of the Government of Maharashtra, which in turn direct all such proposals to be forwarded to the State Government for due consideration. She further submits that already this Court, in the matter of Mansi Arun Kelkar v/s. The State of Maharashtra; WP No. 1021 of 2025, decided by this very division bench on 03.02.2025, has held that any such Government Resolution or Circular would not supersede the statutory provisions under Rule 41 and 41-A of the MEPS Rules, 1981, whereby only the Deputy Director of Education has been empowered to decide such proposals for grant of approval under Rule 41-A.

4. It is a matter of record that respondent No. 2 has not yet considered the proposal on its own merits, albeit the learned advocate for the petitioner submits that he has informed the petitioner that a fresh proposal would be needed in the light of aforementioned Government Resolution and the Circular. We, therefore, cannot make any comment on such oral communication or the alleged insistence of respondent No. 2. We expect respondent No. 2 to be aware of the law and can even go through our order referred to hereinabove.

5. We dispose of the writ petition, directing respondent No.2 to consider the petitioner's proposal dated 08.08.2024 (**Exhibit – 'G'**) on its own merits and in accordance with law as discussed hereinabove, as expeditiously as possible, and in any case, within six (06) weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/