



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4871 OF 2025

FAROOQUI IRFANA YASMEEN MOHAMMED SAMIUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Syed Azizoddin R.
AGP for Respondents No.1 to 3 : Ms. D.S. Jape
Advocate for Respondents No.4 and 5 : Mr. Majit Shaikh

...

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

DATE : 09.04.2025

PER COURT:

Heard.

2. Issue notice to the respondents for final disposal, returnable forthwith. Learned AGP waives service for respondents No.1 to 3 and learned advocate Mr. Shaikh waives service for respondents No.4 and 5.
3. Contrary to the decision of this Division Bench in the matter of **Mansi Arun Kelkar Vs. State of Maharashtra**; (W.P. No.1021/2025) dated 03.02.2025, by resorting to the Government Resolution dated 29.04.2024 and its Circular dated 03.10.2024, respondent No.3 – Education Officer (Secondary) instead of passing appropriate order in tune with Rule 41 and 41-A of the Maharashtra Employees of Private School (Condition of Services) Rules, 1981, has forwarded the proposal

to the respondent No.1 – State Government for grant of approval.

4. In the light of our decision in the matter of **Mansi Arun Kelkar** (supra) such a course is illegal and could not have been resorted to. When the statute has confers a power on the education officer to grant approval, by issuing Government Resolution and Circular, the State could not intermeddle with the statutory mechanism.

5. The writ petition is allowed partly. The impugned communication is quashed and set aside. The respondent No.3 – Education Officer (Secondary) shall himself pass appropriate order on the proposal for grant of approval to petitioner's transfer, as expeditiously as possible and in any case within six weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)