



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7852 OF 2025

SAVITA SRIRAM GHODKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Amle Vaibhav Tukaram
AGP for Respondents: Mr. V.M. Kagne
...

CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.

DATE : 03.07.2025

PER COURT:

1. The Petitioner is seeking appropriate direction to the Education Officer, to decide the proposal for her transfer from unaided to aided. Reliance is placed on the orders passed in earlier such Petitions including *Writ Petition No.5628 of 2025 (Shetkari Shikshan Prasarak Mandal Vs. The State of Maharashtra and others)*. By an order dated 29.04.2025, this Court referred to Rules 41 and 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, and allowed the said Writ Petition in the following terms:-

“3. Though by the Government Resolution dated 29.04.2024 and subsequent Circular dated 03.10.2024, the Government has directed all such proposals seeking approval to the transfer effected under aforementioned rules to be forwarded to the State Government for taking approval to the decision, in the

matter of Friends Social Circle and Ors. Vs. State of Maharashtra and Ors.; 2023 (5) ALL MR 601 as followed by subsequent decision, the relevant clause from the Government Resolution dated 29.04.2024 has been held to be inconsistent with the aforementioned rules which empower the Deputy Directors of Education and Education Officer to take appropriate decision on such proposal, have quashed and set aside the clause and consistently the several benches have been directing the proposals for approval to be considered de hors the Government Resolution and the Circular.

4. In the light of the above, the writ petition is allowed. The respondent No.3 – Education Officer (Secondary) shall consider all the proposals (Exhibit - D collectively) himself without referring to the Government Resolution dated 29.04.2024 and Circular dated 03.10.2024 on its own merits, as expeditiously as possible and in any case within six weeks under intimation to the Management.”
3. Since identical issues are raised in this Petition and similar directions are sought, this Petition is also allowed by directing the Education Officer (Secondary), Jalna, to consider the proposal of the Petitioner herein without referring to the Government Resolution 29.04.2024 and circular dated 03.10.2024, on its own merits, as expeditiously as possible and in any case within six weeks from today.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)