



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

946 WRIT PETITION NO. 9442 OF 2025

**GANGUBAI BHIWAJI DAHATONDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. U. B. Deshmukh, Advocate for the Petitioner
Mr. S. D. Ghayal, Addl. G.P. for the Respondents – State
Mr. S. B. Ghute, Advocate for Respondent No.3

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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 13.08.2025

PER COURT :-

1. Heard the learned counsel for both the sides.
2. We are of the opinion that in the light of the orders passed by this Court in the context of transfer from unaided to aided posts, the deficiency noted in the impugned order dated 19.06.2025 by Respondent No.2 Deputy Director of Education, cannot be the basis for returning of the proposal submitted by Respondent No.3 Education Officer for grant of Shalarth I.D. in favour of the Petitioner.

3. We find that by order dated 10.04.2024, the Respondent Education Officer granted approval to the transfer of the Petitioner from unaided school to aided school. Thereafter, the Respondent Education Officer sent proposal to the Respondent Deputy Director of Education for inclusion of the name of the Petitioner in the Shalarth I.D.

4. By the impugned communication dated 19.06.2025, the same has been returned on the basis that there is flaw or deficiency in the manner in which the Petitioner has been transferred from unaided to aided school.

5. We find substance in the contention raised on behalf of the Petitioner that such Government Resolutions ought to have been ignored in the light of the series of orders passed by this Court in the case of identically situated employees, seeking transfer from unaided posts to aided posts. Such orders have been passed in the context of Rules 41 and 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1981.

6. In that light, we find that the order of approval dated 10.04.2024, issued by the Education Officer, was in consonance with

the view adopted by this Court and therefore, the Respondent Deputy Director of Education could not have observed in the impugned communication dated 19.06.2025, that there was any deficiency or flaw in respect of approval granted for such transfer. Consequently, on that basis, the proposal for inclusion of the name of the Petitioner in the Shalarth I.D., could not have been returned by the Deputy Director of Education.

7. The learned AGP concedes to the fact that the position of law recognised by this Court requiring the Deputy Director of Education to ignore the said Government Resolutions, could not be disputed. Therefore, appropriate orders can be passed in the present Petition.

8. In view of above, the Writ Petition is partly allowed. The impugned communication/order dated 19.06.2025, is quashed and set aside.

9. Since the proposal was returned, we direct the management to resubmit the proposal for grant of Shalarth I.D. to the Petitioner along with the approval order dated 10.04.2024, already issued by the Education Officer, before Respondent No.2 Deputy

Director of Education. After receiving of such proposal, the Deputy Director of Education shall pass appropriate orders within three weeks on receiving such resubmitted proposal.

10. The Writ Petition stands disposed of. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]

SMS