



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10490 OF 2023

Rameshwar Limba Hange

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

...

- Mr. D. A. Karnik Advocates for the Petitioner
- Mr. V. M. Kagne, AGP for Respondents Nos. 1 to 4
- Mr. R. I. Wakade, Advocate for Respondent Nos. 5 and 6

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

DATE : 25.07.2025

PER COURT :

1. By this petition, the petitioner is challenging the impugned order dated 21.07.2023 passed by respondent No. 4 – the Education Officer (Secondary), whereby approval has been declined for transfer of the petitioner from an unaided post to an aided post as an Assistant Teacher.

2. It is brought to our notice that the Government Resolution dated 01.12.2022, relied upon by respondent No. 4 – the Education Officer (Secondary) in passing the impugned order, has been held not to operate under Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. This vitiates the very basis of the impugned order, which is therefore liable to be set aside.

3. In view of the above, the Writ petition is partly allowed. The impugned order dated 21.07.2023 passed by respondent No. 4 – the Education Officer (Secondary) is hereby set aside.

4. It is further brought to our notice that in similar circumstances, in the case of ***Mansi Arun Kelkar Vs. The State of Maharashtra and Others (Writ Petition No. 1021 of 2025)***, decided on 03.02.2025, this Court directed that the proposal of the petitioner therein be decided within four weeks. The Court made the following observations :-

“7. The writ petition is allowed. Respondent No.3 is directed to consider and decide the petitioner’s proposal dated 31.07.2024 in accordance with Rule 41 and 41-A of the MEPS Rules, 1981, as expeditiously as possible and in any case within 4 weeks, without referring to the Government Resolutions dated 29.04.2024 and 03.10.2024.”

5. We are of the opinion that upon setting aside of the impugned order, respondent No. 4 – the Education Officer (Secondary) is required to consider the claim of the petitioner afresh.

6. In view of the above, respondent No. 4 – the Education Officer (Secondary) is directed to reconsider the proposal for transfer from the unaided post to the aided post in terms of Rule 41-A of the said Rules, and without referring to the Government Resolution dated 29.04.2024 and Government Circular dated 03.10.2024.

7. The proposal be decided afresh within a period of six (06) weeks from today.

8. The writ petition stands **disposed of**. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)