



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.5628 OF 2025

SHETKARI SHIKSHAN PRASARAK MANDAL THROUGH  
ITS SECRETARY AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH  
ITS PRINCIPAL SECRETARY AND OTHERS

...  
Advocate for the Petitioner : Mr. S.S. Thombre  
AGP for Respondents: Mr. S.R. Wakale  
...

CORAM : MANGESH S. PATIL &  
Y. G. KHOBRAGADE, JJ.

DATE : 29.04.2025

**PER COURT:**

The petitioners are the Management and its employees who are awaiting approval to the transfer of these employees from partially added division to fully added division in the light of Rule 41 and 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, placed on record at (**Exhibit - D collectively**).

2. We have heard both the sides.
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.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)