



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1025 WRIT PETITION NO. 5749 OF 2025

NARAYAN VISHWANATHRAO POTDAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS CHIEF SECRETARY AND
OTHERS

...

Advocate for the Petitioner : Mr. Wakade Ramesh I.
AGP for Respondents: Mr. R.K. Ingole

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

DATE : 29.04.2025

PER COURT :

The petitioner is awaiting decision on the proposal, whereby the management has sought approval to the transfer of petitioner in purported exercise of the powers under Rule 41 and 41A of the M.E.P.S. Rules 1981.

2. By way of precaution and anticipating that there is a likelihood of the respondents referring to the government resolution dated 29.04.2024 and circular dated 03.10.2024, in many matters this court has been directing the proposals seeking such approval to be considered ignoring those government resolution and circular, in light of the decision of this court in the matter of **Friends Social Circle and others Vs. State of Maharashtra and others, 2023(5) ALL MR 601**, and many other matters decided subsequently.

3. In the light of above, the action of the respondent No.5 Education Officer (Secondary), Zill Parishad, Nanded, forwarding the proposal to the state government in light of the aforementioned government resolution and circular, is not legally sustainable.

4. The writ petition is disposed of directing respondent No.5 to himself consider and decide proposal dated 30.08.2024 (Exhibit-A) on its own merits, as expeditiously as possible, and in any case within six weeks, without waiting for any response, pursuant to the communication he had forwarded to the state government.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-