



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5813 OF 2025

PRAKASH PUNDLIKRAO SONTAKKE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS CHIEF SECRETARY AND OTHERS

...

- Mr. Wakade Ramesh I., Advocate for the Petitioner
- Mr. A. V. Lavte, AGP for Respondents/State

...

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

DATE : 02.05.2025

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 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 considering ignoring those government and

circular. In the 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 – the Education Officer (Secondary) forwarding the proposal to the state government in the light of the aforementioned government resolution and circular, is not legally sustainable.

4. The writ petition is disposed of directing respondent No.5 to consider the proposal dated 04.09.2024 (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, which in turn has been forwarded by respondent No.4 - Divisional Deputy Director of Education to the State Government.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/