

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(904) WRIT PETITION NO.12416 OF 2023

Seema Pandurang Sathey and Anr.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

WITH

(1036) WRIT PETITION NO.10572 OF 2024

Yasmin Amir JamadarPetitioner

Versus

The State of Maharashtra and Ors.Respondents

Mr. Prashant Bhavake i/b. Mr. Utkarsh Desai for the Petitioner in both Petitions.

Mr. V.G. Badgujar, AGP for Respondent Nos.1 to 5 in WP/12416/2023.

Mr. P.P. Kakade, Addl. GP a/w. Mr. V.G. Badgujar, AGP for the State in WP/10572/2024.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 28th FEBRUARY, 2025

P.C. :-

WRIT PETITION NO.12416 OF 2023

WITH

WRIT PETITION NO.10572 OF 2024

1. The learned Advocates for the Petitioners submit that during the pendency of these Petitions, the Management has forwarded the proposal for transferring the Petitioners from the unaided establishment to the fully aided establishment.

2. As such, the proposal will have to be scrutinized by Respondent No.5 and then will have to be submitted to Respondent No.4, for a final decision.

3. Insofar as the stand of the State Government that the Government Resolution dated 29th April, 2024 would vest power in the State Government to decide a pending proposal under Rule 41-A of the Maharashtra Employees Of Private Schools (Conditions of Service) Rules, 1981, we find that the said stand is now clearly watered down by this Court vide order dated 3rd February, 2025 passed in Writ Petition No.1021 of 2025, at the Aurangabad Bench. An earlier circular dated 1st December, 2022 staying the operation of Rule 41-A, has already been struck down by this Court in ***Friends Social Circle, Akola and Others v/s. State of Maharashtra and Others***¹. The Government Resolution dated 29th April, 2024 issued thereafter, has also been held to be unsustainable.

4. As such, the proposals of the Petitioners would be considered by Respondent No.5, on their own merits, in the light of Rule 41-A, within a period of 60 days.

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5. All contentions of the parties are kept open since this Court has not expressed any view on the merits of the proposal.

6. With the above observations/directions, **these Petitions are disposed off.**

7. If the proposals are rejected for any reason, a reasoned order shall be passed. If the proposals are accepted, further steps for grant of Shalarth ID, shall be initiated promptly.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)