

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16790 OF 2024

Ms. Smita Sunil Dalvi

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

*Mr. Vinayak Kumbhar i/b. Ms. Ashwini Bandiwadekar for the Petitioner.
Mr. S.B. Kalel, A.G.P for the Respondent Nos.1 to 3-State.
Mr. Sagar Mane for Respondent Nos.4 & 5.*

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 7th November 2025.

P. C. :

1. Learned counsel for the Petitioner has invited our attention to the decision of the Division Bench of this Court (Nagpur Bench) dated 21st July 2023 passed in the case of ***Friends Social Circle, Akola & Ors. Vs. State of Maharashtra & Ors., in Writ Petition No. 8215 of 2022 and other connected Petitions.*** This Court has in para No.13(i) clearly held that the Circular dated 1st December 2022 to the extent it stays the operation of Rule 41A of the Rule of 1981 is set aside for want of power with the

Respondent No.1 to do so.

2. The impugned order dated 17th April 2023 in the present case is passed only on the ground that the Rule 41A of the Rule of 1981 has been stayed by the aforesaid Circular.

3. In the light of the view taken by this Court (Nagpur Bench) in *Friends Social Circle, Akola & Ors. Vs. State of Maharashtra & Ors. (supra)*, the impugned order dated 17th April 2023 deserves to be quashed and set-aside and is accordingly quashed and set-aside.

4. The proposal made by the Management, which is the subject matter of the impugned order be considered afresh on its own merits and in accordance with law within a period of eight weeks from the date of communication of this order.

5. In the event, if there are any deficiencies in the proposal, the same may be communicated to the Management expeditiously. The Management, in turn, within a period of two weeks from the date of communication of the deficiencies shall cure the same.

6. In the event, the said proposal is approved, Shalarth I.D. be issued to the Petitioner expeditiously.

7. Petition is disposed of in above terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]