

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR. NO. 905) WRIT PETITION NO. 7232 OF 2025

Pappu Dagadu Katkar ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

AND

(SR. NO. 906) WRIT PETITION NO. 7235 OF 2025

Mahesh Tatyaso Shinde ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

AND

(SR. NO. 907) WRIT PETITION NO. 7236 OF 2025

Shantaram Shravana Kachare ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

AND

(SR. NO. 908) WRIT PETITION NO. 7238 OF 2025

Ajitrao Vishwasrao Jagdale ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

AND

(SR. NO. 501) WRIT PETITION NO. 7303 OF 2025

Chandrakant Kashinath Titkare ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

AND

(SR. NO. 502) WRIT PETITION NO. 7309 OF 2025

Mahesh Sampat Jadhav ...Petitioner

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Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Prashant Bhavake for the Petitioner in all petitions.

Mr. G.P. Kakade, AGP a/w Ms. Nisha Mehra, AGP for Respondent/State in Sr. No. 905.

Mr. G.P. Chandurkar, AGP a/w Mr. V.M. Mali for Respondent/State in Sr. No. 906.

Ms. P. N. Diwan, AGP for the Respondent/State in Sr. No. 907.

Mr. Abhijeet Naik, AGP for Respondent Nos. 1 to 5/State in Sr. No. 908.

Mr. S.B. Kalel, AGP for Respondent/State in Sr. No. 501.

Mr. S.H. Kankal, AGP for Respondent Nos. 1 to 5/State in Sr. No. 501.

**CORAM : RAVINDRA V. GHUGE AND
M.M. SATHAYE, JJ.**

DATE : 10th JUNE, 2025

P.C. :

1. Writ Petition Nos. 7303 and 7309 of 2025 are not on board.

At the request of the learned Advocate for the Petitioners, the same are taken on board.

2. The proposals for seeking approval to the transfer of these Petitioners from the unaided establishment to the aided establishment, are pending with Respondent No.5. As such, the proposals 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 and the Government Circular dated 3rd October, 2024 would vest power in the State Government / Committee 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, we direct that 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. All contentions of the parties are kept open since this Court has not expressed any view on the merits of the proposal.

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5. 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.

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

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)