

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11222 OF 2025

Bamesh Shivanand Patil

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....
Mr. Utkarsh Desai i/b Prashant Bhavake for the petitioner.
Mr. S.B. Kalel, AGP for the respondent – State.
.....

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 29, 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner seeks directions to the respondent no.5 – Education Officer to decide the proposal submitted by the respondent nos. 6 and 7 seeking approval to the transfer of the petitioner from partially aided post of Assistant Teacher to fully aided post of Assistant Teacher on its own merits, ignoring the Government Circulars dated 3rd October 2024 and 1st December 2022 and accordingly grant individual approval to the said transfer.

3. Learned counsel invited our attention to the decision of this court in ***Pappu Dagadu Katkar v. The State of Maharashtra & Ors.***¹. Paragraphs 3 and 4 of the said decision read thus :-

*“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 1^a 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*** (2023 SCC onLine Bom 1503). 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.”

4. In light of the aforesaid decision of this court, the respondent no.5 - Education Officer is directed to decide the said proposal within a period of 12 weeks from the date of communication of this order. If there are deficiencies in the proposal, the same to be communicated to the Management so that they can get an opportunity to cure the deficiencies.

1 in WP No. 7232 of 2025, dated 10.06.2025.

The proposal to be considered in light of the observations made in Pappu Katkar (supra).

5. The Writ Petition is disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]