

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

WRIT PETITION NO. 11510 OF 2025

UDAY
SHIVAJI
JAGTAP
Digitally
signed by
UDAY
SHIVAJI
JAGTAP
Date:
2025.10.17
18:09:24
+0530

Prathamesh Madhukar Khuntale

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Mr. Prashant Bhavake for the Petitioner.

Mr. Utkarsh Desai for the respondent nos.6 and 7.

Ms. T.J. Kapre, AGP for the respondent nos. 1 to 5.

.....

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

Date : October 17, 2025.

P. C. :

1. By this petition, the petitioner seeks a direction to the respondent no. - 5 Education Officer to decide the proposal submitted by respondent nos. 6 and 7 seeking approval to the transfer of the petitioner from unaided post to the aided post of Junior Clerk on its own merits ignoring the Government Circular dated 3rd October 2024 and 29th April 2024 and accordingly grant approval to the said transfer.

2. On 13th August 2020, the respondent no.6 – Educational Institution appointed the petitioner in the unaided post of Junior Clerk from OBC

category in a school run by respondent no.6. The appointment was duly approved by the respondent no.5 – Education Officer on 9th June 2022. Subsequently, by reason of transfer of Junior Clerk in another school, a fully aided post of Junior Clerk became vacant at respondent no.7 – Secondary School. The respondent no.6 – Educational Institution approached the office of respondent no.5 - Education Officer to ascertain whether any suitable surplus Junior Clerk was available for absorption on the aided post. In absence of any communication by respondent no.7 – Secondary School, the post could not be filled and, therefore, the petitioner approached respondent no.6 – Educational Institution for transfer to the aided post of Junior Clerk.

3. On 24th January 2025, respondent no.6 issued an appointment order transferring the petitioner to the fully aided post w.e.f. 24th January 2025 and respondent no.7 submitted a proposal on 29th January 2025 to the respondent no.5 – Education Officer for approval to the said transfer. However, the respondent no.5 – Education Officer has not taken any decision on the said proposal, leading to filing of the present petition.

4. Mr. Bhavake, learned counsel appearing for the petitioner submits that the Government Circulars dated 29th April 2024 and 3rd October

2024 are not required to be followed and the proposal is not required to be sent to the State Government in view of the decision of this Court (Nagpur Bench) in *Friends Social Circle & Ors. Vs. State of Maharashtra* in Writ Petition No. 5862 of 2024, which is annexed at page 72 of the petition. He submitted that in view of the said decision, proposal of the petitioner is required to be considered by respondent no.5 – Education Officer on its own merits.

5. Learned APP appearing for the respondent nos.1 to 5 does not dispute the position. In the case of *Friends Social Circle & Ors.* (Supra), this Court had directed the Education Officer to decide the proposal without forwarding the same to the State Government.

6. Considering the clear position of law which has been considered by this Court in case of *Friends Social Circle & Ors.* (supra), the respondent no.5 – Education Officer is directed to decide the proposal within a period of 10 weeks from the date of communication of this order. If there are any deficiencies in the proposal, the same to be communicated to the Management so that an opportunity can be given to the Management to cure the deficiencies.

7. Mr. Bhavake has also drawn attention of this Court to the same course which has been adopted by this Court in ***Bamesh Shivanand Patil Vs. The State of Maharashtra & Ors.*** (Writ Petition No. 11222 of 2025).
8. In view of the above decisions of this Court, the respondent no. 5 – Education Officer is directed to decide the said proposal on its own merits within a period of 12 weeks from the date of communication of this order.
9. In case the proposal is approved, necessary steps be taken by the respondent no.4 to issue Shalarth ID to the petitioner.
10. The petition stands disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]