

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

WRIT PETITION NO. 15522 OF 2023

Sapkal Somnath Janardan.

... Petitioner.

Versus

The State of Maharashtra & Ors.

... Respondents.

Mr. K.D. Dhamale, for the Petitioner.

Ms. Priyanka Naik, AGP for Respondent/State.

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

DATE : 18th FEBRUARY, 2025

P.C. :

1. This is yet one more matter wherein one of the Education Officers, Smt. Prabhavati Kolekar, Education Officer (Secondary) Satara Zilla Parishad, has rejected the proposal seeking approval to the transfer of the Petitioner from the unaided to the aided establishment, vide order dated 4.8.2023.

2. We have heard the learned Advocate for the Petitioner and the learned AGP.

3. The learned AGP points out that though an interim order was passed on 21.12.2022 in the matter of ***Friends Social Circle, Akola vs. State of Maharashtra & Ors. (Writ Petition No. 8215 of 2022)*** staying the Government Circular dated 1.12.2022, the said Education Officer was unaware. She further submits that this Court finally delivered a Judgment on 21st July, 2023 in ***Friends Social Circle, Akola(Supra)***, vide which, the legality of Rule 41-A of the MEPS Rules, 1981 was sustained and the Circular dated 1.12.2022 was quashed and set aside.

4. The learned Advocate for the Petitioner points out an earlier order passed by this Court in the similar circumstances, dated 3.2.2025 in ***Writ Petition No. 10319 of 2024 (Pravin Naik v/s. State of Maharashtra)***.

5. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 4th August, 2023 is quashed and set aside and the proposal is remitted to the office of Respondent No.2.

6. The proposal shall be dealt with by the said Education Officer, strictly in accordance with Rule 41-A of the MEPS Rules, 1981

by conducting a meticulous verification exercise, including availability of senior surplus teachers. Let a reasoned order be passed within a period of 60 days from today.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)