

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

WRIT PETITION NO.6910 OF 2024

NIKITA
KAILAS
DARADE
ADVOCATE
CHIEF JUSTICE
BOMBAY
12/3/23 4:02:31

Swaroop Sachin Patil

.....Petitioner

Vs.

The State of Maharashtra and Ors.

....Respondents

Mr. Narendra Bandiwadkar Senior Advocate a/w Mr. Vinayak Kumbhar a/w Mr. Rajendra Khaire a/w Mr. Aniket Phapale i/b Ms. Ashwini N. Bandiwadkar for the Petitioner.

Mr. V. G. Badgujar, AGP for the State/Respondent Nos. 1 to 3.

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

DATE : 15th APRIL, 2025

P.C. :-

1. We have perused the Impugned order dated 23rd May, 2023. The Education Officer Secondary, Raigad Zilla Parishad at Alibaug has passed an order which is unsustainable on account of the fact that the circular dated 1st December 2022 was already stayed on 21st July, 2022 in Writ Petition No.8215 of 2022 (*Friends Social Circle, Akola Vs. The State of Maharashtra & Anr.*). Subsequently, vide judgment dated 21st July 2023, the said circular has been

quashed and set aside. Secondly, the Petitioner was transferred to the aided establishment on 17th June, 2019 prior to the introduction of Rule 41 (A) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

2. In view of the above, the Impugned order is quashed and set aside and **the Writ Petition is partly allowed.**

3. The concerned Education Officer would reconsider the proposal of the Petitioner, keeping in view the date on which she has been transferred to the aided establishment in accordance with Rule 41 as was then applicable. If any objections are raised, the same shall be communicated to the Management within 30 days from today. The Management shall cure the objections and submit a revised proposal within 30 days, thereafter. The Education Officer Secondary, shall then consider the proposal on its own merits and pass a reasoned order within 30 days. We make it clear that the objections set out in the Impugned order dated 23rd May 2023 shall not be raised once again.

4. In the event the proposal is rejected, the aggrieved party

would be at liberty to avail of a remedy as is permissible in law. If the proposal is favourably considered, further steps necessary for grant of Shalarth I.D. shall be initiated, expeditiously.

5. We make it clear that we have not expressed any opinion on the merits of the proposal.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)