

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

WRIT PETITION NO.15729 OF 2024

Harsha Devram KamblePetitioner

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Sushant Khatake i/b Mr. Prashant Bhavake for the Petitioner.

Mrs. Ashwini Purav, AGP for the State.

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

DATE : 25th MARCH, 2025

P.C. :-

1. The grievance of the Petitioner is that proposal with regard to her transfer from the unaided to the aided establishment, dated 1st October, 2023 was served on Respondent No.5 on 13th December, 2023. Since then the proposal is kept pending and no decision is rendered thereon.

2. 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.***¹ The Government Resolution dated 29th April, 2024 issued thereafter, has also been held to be unsustainable.

3. As such, the proposal of the Petitioner would be considered by Respondent No.5, on it's own merits, in the light of Rule 41-A, within a period of 30 days.

4. All contentions of the parties are kept open since this Court has not expressed any view on the merits of the proposal.

5. With the above observations/directions, **this Writ Petition is disposed off.**

6. If the proposals are rejected for any reason, a reasoned

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order shall be passed. If the proposals are accepted, further steps for grant of Shalarth ID, shall be initiated promptly.

7. This was a fit case for initiating action under Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 since, the proposal has been kept pending for more than 15 months.

8. The learned AGP submits that the Education Officer Mr. Maharudra Nale, Raigad Zilla Parishad Alibaug, will ensure that henceforth, he will not keep any matters pending and he will not cause any delay in matters before him. If there is any further instance of this type, this Court may initiate action against him.

9. In view of such request, we are not initiating any action under Section (10) of the Act.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)