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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(54) WRIT PETITION NO. 18182 OF 2024

Shrimati Gurubai Batkadali Shikshan
Sanstha, Kadgaon & Ors. … Petitioners
versus
The State of Maharashtra & Ors. … Respondents

AND
(NOT ON BOARD)
(501) WRIT PETITION NO. 3500 OF 2025

Shilpa Ramchandra Atigre … Petitioner
versus
The State of Maharashtra & Ors. … Respondents

Mr.Prashant Bhavake for the Petitioners in both the Petitions.
Ms.N.M.Mehra, AGP for the Respondent -State in WP No. 18182 of 2024.
Mr.K.S.Thorat, 'B' Panel Counsel for Respondent Nos. 1 to 5, State.

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

DATE : 10TH MARCH, 2025

P.C. :-

1. Writ Petition No. 3500 of 2025 is not on board. On mentioning, taken on production board.

2. The proposals for seeking approval to the transfer of these Petitioners from the unaided establishment to the aided

establishment, are pending with Respondent No.5.

3. As such, the proposals will have to be scrutinized by Respondent No.5 and then will have to be submitted to Respondent No.4, for a final decision.

4. 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 1st 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.

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5. As such, 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.

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

7. With the above observations/directions, **these Writ Petitions are disposed off**.

8. If the proposals are rejected for any reason, a reasoned order shall be passed. If the proposals are accepted, further steps for grant of Shalarth ID, shall be initiated promptly.

(ASHWIN D. BHOBE, J.) **(RAVINDRA V. GHUGE, J.)**