

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3676 OF 2025**

Sharmila Rohidas KhartodePetitioner

Versus

The State of Maharashtra and Ors.Respondents

Mr. Vinod Sangvikar a/w. Mr. Shubham Sonawale and Mr. Ram Karode for the Petitioner.

Mrs. Pooja Joshi Deshpande, AGP for Respondent No.1.

Mr. Abhijit P. Kulkarni a/w. Mr. Abhishek Roy for Respondent No.2
– PMC.

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

DATE : 8th APRIL, 2025

P.C. :-

1. Though the learned Advocate representing the Municipal Corporation has vehemently tried to defend the impugned order dated 4th July, 2023, it is obvious that he is precluded from making any submissions which are against the tenets of law.

2. Suffice it to say that vide the impugned order, the Administrative Officer (Primary) Dr. Minakshi Raut, has observed that due to the circular dated 1st December, 2022, Rule 41-A of the Maharashtra Employees Of Private Schools (Conditions of Service) Rules, 1981 cannot be effected. Apparently, she has lost sight of the

fact that the said circular had been stayed by the interim order dated 21st December, 2022 in (*Friends Social Circle, Akola and Ors. v/s. State of Maharashtra and Ors.*) and which was eventually quashed and set aside by the judgment dated 21st July, 2023 delivered in the said case.

3. In view of the above, **this Petition is allowed**. The impugned order dated 4th July, 2023 is quashed and set aside. The proposal dated 6th January, 2022 is restored to the file of Respondent No.2, with the following directions :

- (a) A scrutiny of the proposal shall be carried out and deficiencies/objections, if any, would be pointed out by Respondent No.2 to the Management of Respondent No.3, within 21 days;
- (b) Respondent No.3 would thereafter remove the deficiencies and resubmit the proposal within a period of 30 days;
- (c) Thereafter, Respondent No.2 would deal with the proposal on its own merits and deliver a reasoned order within a period of 30 days;
- (d) In the event, the proposal is rejected, the Management or the Petitioner would be at liberty to avail of a remedy as may be permissible in law;
- (e) If the proposal is accepted, further steps to grant Shalarth ID to the Petitioner shall be initiated within a period of 15 days.

4. 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.)