

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

WRIT PETITION NO. 4171 OF 2025

Maharashtra Shikshan Sanstha, Pen & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

None for the Petitioners.
Mr.V.M.Mali, AGP for the Respondent, State.

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

DATE : 21st APRIL, 2025

P.C. :-

1. None present for the Petitioners.
2. This is yet one more case wherein the Education Officer (Secondary), Raigad Zilla Parishad, Alibaug, Mrs. Jyotsna Shinde-Pawar, has declined to entertain a proposal seeking approval to the transfer from the unaided establishment to the aided establishment, on the ground that Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (the Rules of 1981), has been stayed by a Circular of the School Education Department, dated 1st December, 2022.

3. We may have passed hundreds of orders in such matters pointing out to each and every Education Officer in the State of Maharashtra that the said Circular dated 1st December, 2022 was stayed by this Court, at the Nagpur Bench, on 21st December, 2022 in Writ Petition No. 8215 of 2022 (*Friends Social Circle, Akola and others vs. State of Maharashtra and others*) and was finally struck down by judgment dated 23rd July, 2023.

4. The learned AGP submits that based on the aforesaid judgment, a Circular has also been issued by the State Government. He further submits that an order passed by Mrs.Jyotsna Shinde-Pawar is before this Court for the first time and he will communicate to the concerned Officer not to pass such orders again. He, therefore, prays that cost may not be imposed.

5. In view of the above, though this case is fit for imposing cost, we have accepted the request of the learned AGP.

6. **This Writ Petition is partly allowed.**

7. The impugned order dated 3rd January, 2024 is quashed and set aside. The proposal dated 16th November, 2023 tendered by Petitioner No.1 Management to Respondent No.5 Education Officer (Secondary), is restored to the file of the said Respondent.

8. We direct that the said Respondent shall follow the due procedure laid down in law and carry out a meticulous scrutiny of the proposal under Rule 41A of the Rules of 1981 and pass a reasoned order, within a period of 60 days from today. The order shall be communicated to the Petitioners on the email address of the Management, within 10 days, thereafter.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)