

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

(SR. NO.904)WRIT PETITION NO.5307 OF 2025

Nitin Jayram Sawant & Ors.Petitioners

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.906) WRIT PETITION NO.5395 OF 2025

Moreshwar Ganpat LingayatPetitioner

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.907) WRIT PETITION NO.5396 OF 2025

Vinayak Baliram Bijam & Ors.Petitioners

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.908) WRIT PETITION NO.5397 OF 2025

Vishnu Tulshiram DhumPetitioner

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.909) WRIT PETITION NO.5398 OF 2025

Mandar Prabhakar RasalPetitioner

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.910) WRIT PETITION NO.5399 OF 2025

Jitendra Kashiram PevekarPetitioner

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.911)WRIT PETITION NO.5400 OF 2025

Neela Sandeep KuradePetitioner

versus

The State of Maharashtra & Ors.Respondents

AND

(SR. NO.912)WRIT PETITION NO.5401 OF 2025

Bharat Chandrakant KadamPetitioner

versus

The State of Maharashtra & Ors.Respondents

Mr. Sushant A. Khatake, Advocate for the Petitioners in all the Petitions.

Mr. P.P. Kakade, Additional G.P. a/w Mr. V.M. Mali, Advocate for Respondent Nos.1 to 5 in WP/5307/2025.

Mr. A.K. Naik, Advocate for Respondent Nos.1 to 5 in WP/5395/2025.

Mr. S.P. Kamble, Advocate for Respondent Nos.1 to 5 in WP/5396/2025.

Ms. Priyanka Chavan, Advocate for Respondent Nos.1 to 5 in WP/5397/2025.

Ms. Aakansha Saxena, 'B' Panel Advocate for Respondent Nos.1 to 5 in WP/5398/2025.

Ms. D.S. Deshmukh, Advocate for Respondent Nos.1 to 5 in WP/5399/2025.

Ms. Pooja Joshi Deshpande, Advocate for Respondent Nos.1 to 5 in WP/5400/2025.

Ms. P.N. Diwan, Advocate for Respondent Nos.1 to 5 in WP/5401/2025.

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

DATE : 22nd APRIL, 2025

P.C. :-

1. The proposals for seeking approval to the transfer of these Petitioners from the unaided establishment to the aided establishment, are pending with Respondent No.1 at Mantralaya.

2. Considering the decision of this Court at the Aurangabad Bench dated 3rd February, 2025 in ***Mansi Arun Kelkar versus The State of Maharashtra & Others*** (Writ Petition No.1021 of 2025), it is undisputed that all these proposals will now have to be returned to Respondent No.5.

3. 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.

4. We, therefore, direct that Respondent No.1 would return the pending proposals to Respondent No.5 within a period of 15 days from today. The said proposals would then be considered by Respondent No.5 on their own merits by conducting a meticulous verification exercise under Rule 41-A of the MEPS Rules, 1981, within a period of 60 days thereafter.

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

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6. 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.

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

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)