

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

WRIT PETITION NO. 5559 OF 2025

Pravin Baburao Nagane ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 5560 OF 2025**

Annasaheb Ramdas Kamble ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 5561 OF 2025**

Hanumant Rajaram Korake ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 5562 OF 2025**

Shrimant Jagannath Chavan ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 5564 OF 2025**

Smt.Smita Balkrishna Kule ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 5565 OF 2025**

Maya Vasant Sadakale ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 5566 OF 2025**

Shri Hanumant Shivaji Tele	... Petitioner
versus	
The State of Maharashtra & Ors.	... Respondents

**AND
WRIT PETITION NO. 5567 OF 2025**

Shri Sunil Jalindar Kotame	... Petitioner
versus	
The State of Maharashtra & Ors.	... Respondents

Mr.Prashant Bhavake for the Petitioner in all Petitions.

Mr.B.V.Samant, Addl. GP for the Respondent -State in WP No. 5559 of 2025.

Mrs. M.P. Thakur, AGP for the Respondent -State in WP No. 5560 of 2025.

Mrs.R.M.Shinde, AGP for the Respondent -State in WP No. 5561 of 2025.

Mrs.Tanu N. Bhatia, AGP for the Respondent -State in WP No. 5562 of 2025.

Mr. A.A.Alaspurkar, AGP for the Respondent -State in WP No. 5564 of 2025.

Mr.P.V.Nelson Rajan, AGP for the Respondent -State in WP No. 5565 of 2025.

Mrs. M.P. Thakur, AGP for the Respondent -State in WP No.5566 of 2025.

Mrs.R.M. Shinde, AGP for the Respondent -State in WP No. 5567 of 2025.

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

DATE : 29th APRIL, 2025

P.C. :-

1. The learned Addl.GP submits, on written instructions received from the Education Officer (Secondary), Zilla Parishad, Ratnagiri, dated 28th April, 2025, that the Petitioner in Writ Petition No. 5564 of 2025, has already been subjected to a scrutiny under Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (the Rules of 1981) and she can be granted the approval. A photostat copy of the said communication is taken on record and marked as 'X' for identification.

2. The learned Addl.GP further places on record a photostat copy of the communication dated 25th February, 2025 addressed by Dr.B.B.Chavan, Deputy Director of Education, Nashik Division, Nashik to the Deputy Secretary, School Education and Sports Division, Mantralaya, Mumbai. The same is marked as 'Y' for identification.

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. In view of the above, the proposals already forwarded to the State Government will have to be returned to the Education Officer. As regards the cases of employees who are working in the junior colleges, their proposals will have to be forwarded to the Deputy Director of Education for considering grant of approval from the unaided to the aided/ partially aided to aided categories.

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For the same categories pertaining to the employees working in schools, the Education Officer is empowered to consider such proposals.

5. Let such proposals be considered by the respective Officers by carrying out a meticulous verification exercise, with regard to the teachers, under Rule 41-A of the Rules of 1981 and with regard to the non-teaching category, under Rule 41 of the Rules of 1981.

6. Needless to state, all these proposals, save and except the Ratnagiri matter, we have not expressed any opinion as regards the merits of the proposals and the Authorities would consider them strictly in accordance with Rule 41-A/41 of the Rules of 1981, as the case may be.

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

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)