

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

WRIT PETITION NO. 5818 OF 2025

Smt. Nilam Dattatray Galande. ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents.

Mr. Sushant A. Khatake, Advocate for the Petitioner.
Ms. D.S. Deshmukh, AGP for Respondent Nos. 1, 3 and 4/State.

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

DATE : 30th APRIL, 2025

P.C. :

1. The proposal for seeking approval to the transfer of the Petitioner from the partially aided establishment to the aided establishment, is pending with Respondent No.3 Director of Education.

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 this proposal will now have to be returned to Respondent No.4 Deputy Director of Education.

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.3 would return the pending proposal to Respondent No.4 within a period of 15 days from today. The said proposal would then be considered by Respondent No.4 on its own merits by conducting a meticulous verification exercise under Rule 41-A of the MEPS Rules, 1981, within a period of 60 days thereafter.

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

6. If the proposal is rejected for any reason, a reasoned order shall be passed. If the proposal is re accepted, further steps for grant of Shalarth ID, shall be initiated promptly.

7. With the above observations/directions, **the Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)