

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

(Sr. No. 928) WRIT PETITION NO. 5842 OF 2025

Tanvi Kiran Janjal. ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents.

WITH

(Sr. No. 929) WRIT PETITION NO. 5843 OF 2025

Ketaki Kailas Bhagat. ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents.

Mr. Prashant Bhavake, Advocate for the Petitioner.

Ms. Pushplata N. Diwan, AGP for Respondent Nos. 1 to 5/State in WP/5842/2025.

Mr. Abhishek Bhadang, AGP for Respondent Nos. 1 to 5/State in WP/5843/2025.

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

DATE : 30th APRIL, 2025

P.C. :

1. The proposals for seeking approval to the transfer of these Petitioners from the unaided establishment to the aided establishment, is

pending with Respondent No.1.

2. As such, the proposals will have to be submitted to Respondent No.5, for a final decision. Therefore, we direct Respondent No. 1 to return the proposals to Respondent No. 5, within 3 weeks from today.

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.

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4. As such, the proposals of the Petitioners would be considered by Respondent No.5, on its own merit, in the light of Rule 41-A, within a period of 60 days.

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 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.**

8. Considering the serious apprehension of the Petitioners that the Management may disengage them until the approval is received, we direct the Management to maintain status quo and continue the Petitioners in employment till the decision of the competent authority on the pending proposal.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)