

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

WRIT PETITION NO. 5848 OF 2025

Smt. Smita Baburao Randhwan ... Petitioner

Versus

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

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. Abhijeet Naik, AGP for Respondent Nos. 1 to 5/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 this Petitioner from the partially aided establishment to the aided establishment, is pending with Respondent No.1.

2. As such, the proposal will have to be submitted to Respondent No.5, for a final decision. Therefore, we direct Respondent No. 1 to return the proposal 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.

4. As such, the proposal of the Petitioner 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

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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 accepted, further steps for grant of Shalarth ID, shall be initiated, promptly.

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

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)