

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

(Sr. No. 501) WRIT PETITION NO. 5869 OF 2025

Ashwini Chetan Telange.
(Nee: Ashwini Anant Gawade) ... Petitioner

Versus

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

**WITH
(Sr. No. 501) WRIT PETITION NO. 5871 OF 2025**

Shilpa Pankaj Sabale.
(Nee: Shivakanya Namdeo Suryavanshi) ... 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. Not on board. Mentioned. Taken on the production board.
2. The proposals for seeking approval to the transfer of these
Petitioners from the partially aided establishment to the aided

establishment, is pending with 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. 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 proposals.

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6. If the proposals are rejected, 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.)