



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7271 OF 2024

(Yogeshwari Haribhau Kharat alias Sau.Yogeshwari Amol Mohale and another vs. Education Officer (Secondary), Zilla Parishad, Washim)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Shahu Nandkishor Chikhlade, Advocate for the petitioners.
Mr. A.V. Palshikar, Assistant Government Pleader for Respondent.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : APRIL 04, 2025

- 1) Heard. **Rule.** Rule is made returnable forthwith.
- 2) Mr. Palshikar, the learned Assistant Government Pleader, waives notice on behalf of the respondent. Heard finally, with the consent of learned counsel for both parties.
- 3) The petition questions the communication dated 03/04/2024, whereby the proposal to transfer petitioner No. 1, from a non-aided to an aided institution, has been rejected based on the Government Resolution dated 01/12/2022. Also, seeks direction against Respondent No. 1, the Education Officer, to reconsider the proposal dated 10.02.2024.
- 4) The learned Counsel for petitioners invites our attention to the judgment of this Court in ***Writ Petition No.8215/2022 (Friends Social Circle, Akola and others Vs. State of Maharashtra and Others)*** along with connected petitions decided on 21/07/2023, in which it has been held that the Government Resolution dated 01/12/2022 to the extent it stays the operation of Rule 41A of the Maharashtra Employees of

Private Schools (Conditions of Service) Rules, 1981 is set aside for want of power with respondent No.1 to do so. The learned counsel, therefore, submits that the impugned communication dated 03/04/2024, which relies on the Government Resolution dated 01/12/2022, cannot sustain the denial of approval to the proposal for transfer.

5) Mr. Palshikar, the learned Assistant Government Pleader, does not dispute that the Government Resolution dated 01/12/2022 was set aside by this Court in its judgment dated 21/07/2023, as indicated above and submitted to the Court's order.

6) We have appreciated the submissions and gone through the impugned order, record, and judgment cited above.

7) It appears that the facts in the case at hand and the cited judgment are identical. Thus, it seems that the case in hand is covered by the judgment cited above, consequently, considering the dictum laid down in the above cited judgment, in our opinion, the impugned communication dated 03/04/2024 (page 26) cannot be sustained and is hereby quashed and set aside and the matter is remitted back to respondent to decide the proposal for transfer in terms of the law as applicable. The same shall be done within a period of three weeks from today. The petition stands disposed of in the above terms.

8) Rule is made partly absolute in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)