



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 5996 OF 2025

PETITIONERS

- : 1] Ku. Sushma Dattarao Walale,
Age 38 years, Occu. Service,
R/o Kata, Tq. & Dist. Washim
- 2] Lal Bahadur Shastri Secondary and
Higher Secondary School, Kata
through its Headmaster,
Office at Kata, Tq. & Dist. Washim.

VERSUS

RESPONDENT

- : Education Officer (Secondary),
Zilla Parishad, Washim,
Tq. & Dist. Washim.

Mr. S. N. Chikhale, Advocate for the petitioners
Ms. H. N. Jaipurkar, A.G.P. for the respondent

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.
DATE : DECEMBER 18, 2025.

ORAL JUDGMENT : (Per M.W.Chandwani, J.)

1. **RULE.** Rule made returnable forthwith.
2. Learned Assistant Government Pleader Ms. H. N. Jaipurkar waives service of notice for the respondent on merits. Heard finally with the consent of the learned counsels for the parties.

3. The petition questions the order/communication dated 15/02/2024 (pg.25) by which the proposal for transfer of the petitioner No.1, from a partially grant-in-aid classes to grant-in-aid classes has been rejected on the ground that in terms of Government Resolution dated 01/12/2022 there is a stay.

4. The position in this regard has already been considered by the learned Division Bench of this Court in *Writ Petition No.8215/2022 (Friends Social Circle, Akola and others Vs. State of Maharashtra and others) decided on 21/07/2023*, in which, it has been held that the aforesaid Government Resolution to the extent it stays the operation of Rule 41 (A) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 is set aside for want of power with the respondent No.1.

5. That this being the position, the ground for refusal of the approval on this count would not survive. We, therefore, quash and set aside the impugned order/communication dated 15/02/2024 and direct the respondent to consider the proposal for approval, in case there is no other impediment in law. The same shall be done within a period of four weeks from today.

6. Rule is made absolute in the aforesaid terms. The Writ
Petition stands disposed of. No order as to costs

(M.W.CHANDWANI, J.)

(SMT. M.S.JAWALKAR, J.)

Diwale