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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.151 OF 2026

Lahu Hanmantrao Kathwate & Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Tukaram M. Venjane, Advocate for the Petitioners

Mr. V. M. Kagne, AGP for Respondents - State

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, J.J.

DATE : 18th FEBRUARY, 2026

P.C.:

1. Present Petition has been filed for the following relief:

“B. By issuing writ of Mandamus or any other Writ in the like nature, be pleased to direct the Deputy Director of Education, Latur to take decision on the proposals dated 30.09.2025 (EXH. “E”) of the Petitioners for approvals for transfer from partially aided to aided division, without referring to the Government Resolutions dated 29.04.2024 and 03.10.2024, at the earliest preferably within a period of 1 month from passing order by this Hon’ble Court”

2. Heard learned Advocate for the Petitioners. Learned AGP

waives notice for all the Respondents.

3. Learned AGP places on record notification in respect of amendment in the Maharashtra Employees of Private Schools (Condition of Service) Rules, 1981 i.e. Maharashtra Employees of Private Schools (Condition of Service) (Amendment) Rules, 2025. By this notification, amendment has been carried out in Rule No. 41A (1) (h) of the said Rules and in place of words "*Education Officer or Deputy Director, as the case may be*" the words and brackets, "*Commissioner (Education), State of Maharashtra, Pune*" have been substituted. The said notification is taken on record by marking Exhibit-X. Learned AGP also places on record the clarification issued by the State Government to Commissioner (Education), Maharashtra State, Pune, on 18th February, 2026, thereby directing that in view of the amendment / notification dated 13th November, 2025, all the pending proposals under Rule 41A of the said Rules, have been directed to be forwarded to the Commissioner (Education) and the Commissioner (Education) is asked to decide the same. Copy of the said letter is taken on record by marking Exhibit-Y.

4. The fact is not in dispute that the proposals of the Petitioners were submitted as per the provisions of Rule 41A (1) (h) of the said Rules, before Respondent No.3. However, in view of notification Exhibit-X and communication Exhibit-Y, the appropriate authority to decide the same, would now be the Commissioner (Education) Maharashtra State, Pune.

5. In view of this notification, though the Commissioner (Education) is not a party to the proceedings, yet we direct him to decide the said proposal by calling it from Respondent No.3 Deputy Director of Education, Latur, within a period of 8 weeks from today.

6. With the above directions, the Writ Petition is disposed of.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE