



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 1328 OF 2026

Saruk Anant Kalyan

VERSUS

The State Of Maharashtra And Others

.....

Mr. C.V. Thombre, Advocate for Petitioner

Mr. V.M. Kagne, AGP for Respondents No.1 and 2

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 05 FEBRUARY, 2026

PER COURT :-

1. The present petition has been filed for following relief:

“(B) By issuing appropriate writ or order or direction, the impugned order dated 12.12.2025 rejecting the proposal for approval for transfer from Partly Aided to 100% Aided School under Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 may kindly be quashed and set aside by allowing the proposal dated 01.12.2025 for partly Aided to 100% Aided School with direction to grant approval and also pay arrears of salary and continue to pay salary.”

2. Heard the learned advocate for the petitioner. Learned AGP waives service of notice for respondents No.1 and 2, and upon instructions from respondent No.2, learned AGP makes a statement that the impugned order dated 12.12.2025 would be withdrawn by respondent No.1 within one week. He submits that there is now a change in the authority competent to decide the proposal and that the proposal is required to be forwarded to the Commissioner of Education.

{2}

He further submits that if a fresh proposal is forwarded by respondent Nos.3 and 4, respondent No.2 would thereafter forward the same to the Commissioner of Education.

3. The petitioner was initially appointed as an Assistant Teacher on 17.01.2013 in respondent No.4–School for the academic year 2012–2013. Temporary approval to his appointment was granted on 21.06.2014, and thereafter, permanent approval was granted on 27.06.2024. The petitioner was transferred from Netaji Subhashchandra Bose Primary School, Malives, Beed, to Ekalaya Secondary Vidyalaya, Chikhalbeed, Taluka Wadwani, District Beed, on a vacant post. Thereafter, the Management issued a transfer order on 100% granted school run by the same Management and then the proposal was submitted. In the impugned order, respondent No.2, relying upon the Government Resolution dated 01.04.2021, rejected the said proposal, and hence the present petition has been filed, whereupon the petitioner relies upon Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

4. In view of the statement made by the learned AGP that respondent No.2 shall pass a specific order withdrawing the order dated 12.12.2025 within a period of two (2) weeks from today, we direct respondents No.3 and 4 to submit a fresh proposal, after receipt of such

{3}

order from respondent No.2, to respondent No.2 seeking approval for transfer from a partly aided school to a 100% aided school, within a period of fifteen (15) days thereafter. Upon receipt of the said proposal, respondent No.2 should forward the same to the Commissioner of Education within a period of fifteen (15) days thereafter. The Commissioner of Education to decide the said proposal within a period of one (1) month from the date of receipt thereof, in accordance with law.

5. With the aforesaid directions, the writ petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE