



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15354 OF 2025

Dr. Hedgewar Shikshan Sanstha, Kundalwadi
Through its President and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Manish P. Tripathi, Advocate for the Petitioners

Mr. R. S. Wani, AGP for Respondent - State

Ms. Megha Mali h/f Ms. Yogita Thorat, Advocate for
Respondent No.3

.....

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. The respondent No.3 – Education Officer (Primary), Zilla Parishad, Nanded may kindly be directed to decide the proposal dated 03.09.2025 submitted by petitioner No.2, seeking approval to the transfer of Petitioner No.3 from no grant post to 100% grant-in-aid post within four weeks without referring to the Govt. Resolutions dated 29.04.2024 and 3.10.2024.”

2. Heard learned Advocate for the Petitioners. Learned AGP

waives notice for Respondents No.1 and 2. Ms. Megha Mali holding for Ms. Yogita Thorat, waives for Respondent No.3.

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 proposal, in the present matter in respect of the Petitioner, was 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 Education Officer (Primary), Zilla Parishad, Nanded, 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