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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15514 OF 2025

Vitthal Jaywantrao More

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Kalyan V. Patil, Advocate for the Petitioner
Mr. R. S. Wani, AGP for Respondent - State
.....

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

DATE : 18th FEBRUARY, 2026

P.C.:

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

“B. By issuing Writ of Mandamus or any other appropriate writ, order or direction in the like nature, Respondent No.3 – Education Officer (Secondary), Zilla Parishad, Nanded may kindly be directed to consider and decide the pending proposal dated 30.05.2025 of the Petitioner (Exhibit-”E”) seeking approval to his transfer from partially aided to 100% aided post/division as Assistant Teacher within stipulated period as per law laid down by this Hon’ble Court in Writ Petition No. 1021 of 2025 vide order dated 03.02.2025

C. By issuing writ of mandamus, or any other appropriate writ, order or direction in the like nature, Respondent No.3 – Education Officer (Secondary), Zilla Parishad, Nanded may kindly be directed to grant an approval to the transfer of Petitioner from

partially aided to 100% aided School in the prescribed pay scale along with all consequential benefits of regular increments after considering services rendered by him on unaided / partially aided division / post.”

2. Heard learned Advocate for the Petitioner. Learned AGP waives notice for Respondents No.1 to 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 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 (Secondary), 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

