



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4562 OF 2026

Ramesh Atmaram Suryawanshi
VERSUS

The State Of Maharashtra Through Chief Secretary And Ors

Mr.Ramesh I. Wakade, Advocate for petitioner
Mr.V.M.Kagane, AGP for respondent nos.1 to 5

**CORAM : SMT.VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**
DATE : APRIL 27, 2026

PER COURT :-

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.5-Education Officer (Secondary), Zilla Parishad, Dharashiv may kindly be directed to consider and decide the pending proposal dated 29.12.2025 of petitioner (EXHIBIT- "A") seeking approval to his transfer from partially aided (80%) to 100% aided post/division as Assistant Teacher within stipulated period as per the law laid down by this Hon'ble Court in Writ Petition No. 1021/2025 vide order dated 03.02.2025.

C) By issuing writ of mandamus, or any other appropriate writ, order or directions in the like nature, Respondent No.5-Education Officer (Secondary), Zilla Parishad, Dharashiv may kindly be directed to grant an approval to the transfer of petitioner from partially aided (80%)

to 100% aided post/division 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 counsel for the petitioner. Learned AGP waives notice for the respondent nos.1 to 5.

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.5. 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, we direct the Commissioner of Education to decide the said proposal by calling it from Respondent No.5 Education Officer (Secondary), Zilla Parishad, Beed, within a period of 8 weeks from today.

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

[AJIT B. KADETHANKAR, J.]

[SMT.VIBHA KANKANWADI, J.]

KBP

.....