

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10899 OF 2024**

Pandurang Maruti Gaikwad

.. Petitioner

..Versus..

The State of Maharashtra and ors.

...Respondents

Mr. Prashant Bhavake, for Petitioner.

Mr. Siddheshwar Kalel, AGP for Respondent Nos. 1 to 5.

**CORAM : MADHAV J. JAMDAR AND
PRAVIN S. PATIL, JJ.**

DATE : APRIL 07, 2026.

P.C.

1. By this writ petition, the petitioner challenges the order dated 12/09/2023, whereby the learned Education Officer (Secondary), Zilla Parishad, Kolhapur, rejected the proposal for transfer of petitioner, as a Junior Clerk, from non-grant-in-aid to grant-in-aid classes. While rejecting this proposal, the Education Officer has relied upon the Government Resolution dated 01/12/2022, whereby the State Government granted stay to the provisions of Section 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act 1977 (for short 'MEPS Act').

2. The petitioner has relied upon the judgment of the Co-ordinate Bench of this Court in ***Writ Petition No. 8215 of 2022 (Friends Social Circle, Akola and others Vs State of Maharashtra and others)***, along with bunch of connected petitions, wherein a similar issue was considered. The Court held that the circular dated 01/12/2022 cannot override the provisions of the statute, and accordingly, same is quashed and set aside to the extent it stays the operation of Rule 41A of MEPS Rules.

3. It is further pointed out that the impugned judgment which is passed by the Coordinate Bench is till date holding the field and is squarely applicable to the facts and circumstances of the present case.

4. In the light of the reasons recorded by Co-ordinate Bench in Writ Petition No. 8215 of 2022, the impugned order dated 12/9/2023 is hereby quashed and set aside. Consequently, the proposal of approval dated 18/08/2023 is restored to the file of Education Officer (Secondary), Zilla Parishad, Kolhapur.

5. It is made clear that the observations made by the Education Officer in the impugned order dated 12/09/2023, particularly to the effect that there are no instructions from the State Government for transfer of non-teaching staff from non-

grant-in-aid to grant-in-aid, and the reliance placed on the Government Resolution dated 01/12/2022 is hereby quashed and set aside.

6. The Education Officer is directed to decide the proposal on its own merits in light of above observation after granting an opportunity of hearing to the petitioner.

(PRAVIN S. PATIL, J.)

(MADHAV J. JAMDAR, J.)

RKN