

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18747 OF 2024

Prashant Dattatrya Deshmukh
Versus

...Petitioner

The State Of Maharashtra Through
The Secretary And Ors

...Respondents

Mr. Sushant A. Khatake, Advocate for petitioner.
Mr. Siddheshwar Kalel, AGP for respondents-State
Mr. S. D. Navanne, Advocate for respondent nos.6 & 7.

**Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date : April 2, 2026.

P. C. :

1. By the present petition, the petitioner challenges the order passed by the Education Officer (Secondary), Zilla Parishad, Sangli, whereby the proposal seeking approval of the petitioner has been rejected by relying upon the Government Resolution dated 1st December 2022, whereby operation of Rule 41(A) of Maharashtra Employees Private School Rules 1981 has been stayed until further order.
2. It is an admitted position that the coordinate Bench of this Court, in Writ Petition No. 8215 of 2022, while deciding a batch of petitions, has

considered the legality and validity of the Government Resolution dated 1st December 2022 and has held that a Government Resolution cannot override statutory provisions, more particularly Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. Accordingly, by recording cogent reasons, this Court has quashed and set aside the said Government Resolution dated 1st December 2022.

3. In light of the aforesaid decision of this Court in Writ Petition No. 8215 of 2022, the impugned order dated 25th October 2024 passed in the present petition does not survive and accordingly same is quashed and set aside.

4. Consequently, the proposal of petitioner seeking approval submitted to Education Officer (Secondary) dated 8th October 2024 is restored to the file of the Education Officer (Secondary), Zilla Parishad, Sangli for fresh consideration. The Education Officer shall decide the said proposal afresh on its own merits after granting an opportunity of hearing to all concerned parties.

5. The aforesaid exercise shall be completed within a period of eight weeks from the date of production of this order.

6. All contentions of the parties are expressly kept open.

7. The Writ Petition stands disposed of in the above terms.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]