

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

CIVIL WRIT PETITION NO. 4814 OF 2025

1. Sou. Poonam Vishal Shinde
[Ms. Poonam Ramchandra Bankar]
Aged 39 Years; Occu : Service;
R/o 385, Budhwar Peth, Phaltan,
Tahsil Phaltan, District Satara-415 523.
2. Phaltan Education Society, Phaltan,
District Satara
Through its Chairman/Secretary

... PETITIONERS

V E R S U S

1. The State of Maharashtra
Through the Secretary,
School Education Department,
Mantralaya, Mumbai - 400 032.
2. The Deputy Director of Education
Kolhapur Region, Kolhapur.
3. The Education Officer (Primary)
Zilla Parishad, Satara

... RESPONDENTS

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w Mr. Sagar A Mane, Advocate a/w Mr. Rishikesh D. Jagdale, Advocate a/w Ms. Neha Farakate, Advocate i/by Ms. Ashwini Bandiwadekar, Advocate for Petitioners.
Ms. Neha G. Deshpande, Advocate i/by Dr. Uday Warunjikar, Advocate for Respondent No.3/Zilla Parishad, Satara.
Mr. A. A. Naik, AGP for Respondent Nos.1 & 2/State.

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

DATE : MARCH 10, 2026.

ORAL JUDGMENT : [PER PRAVIN S. PATIL, J.]

. Heard. **Rule.** Rule made returnable forthwith. With consent of the learned Counsel for both sides, matter is taken up for final disposal at the stage of admission.

2. By this Petition, the Petitioners have assailed the order dated 10/2/2025 passed by the Respondent No.3 – Education Officer (Primary), Zilla Parishad, Satara, by which, the Education Officer has rejected the proposal dated 26/11/2024 in respect of approval of the Petitioner No.1 of transfer from partially aided post to fully aided post of Assistant Teacher in the School run by the Petitioner No.2 – Management.

3. In the present Petition, it is undisputed fact that the Petitioner No.1 was initially appointed on non-grant-in-aid classes with effect from 1/7/2009 and her services were duly approved by the Education Officer. The State Government, as per their policy, has accorded 20% grant-in-aid in the year 2013. Subsequently, in the

year 2020 it was extended upto 40% and in the academic session 2022-23 it was extended upto 60%. As such, the school, in which the Petitioner No.1 was working, came in the category of partially aided school.

4. It is the case of the Petitioners that due to superannuation of one teacher namely, Mrs. Alka Ravindra Bedkihal, one post on 100% grant-in-aid classes became vacant. As such, the Petitioner No.2 - Management has decided to upgrade the Petitioner No.1 by way of transfer from partially aided School to 100% grant-in-aid classes. Accordingly, the proposal was forwarded for approval of transfer of the Petitioner No.1 from partially aided post to 100% aided post of Assistant Teacher.

5. The Respondent No.3 - Education Officer, without granting any opportunity of hearing, vide impugned order dated 10/2/2025, rejected the proposal of approval by pointing out certain deficiencies in the proposal. Hence, the Petitioners are constrained to approach before this Court by way of the present Petition.

6. The learned Counsel appearing for Petitioners states that the impugned order being passed without granting opportunity of

hearing and further without considering the specific provisions of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 and Rules, 1981 is *prima facie* illegal and the same deserves to be quashed and set aside.

7. The learned AGP and Dr. Warunjikar, learned Counsel for the Respondent No.3 – Zilla Parishad, Satara have strongly opposed the Petition. According to them, the Education Officer, by applying his judicial mind passed the impugned order and there is no *prima facie* illegality in the order. Hence, the Petition deserves to be dismissed.

8. We have heard the learned Counsel for both sides and perused the record. So also we have perused the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 and Rules, 1981 to understand the controversy involved in the matter. It would be pertinent to note that Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Services) Rules, 1981 is titled as “*Conditions for transfer of teacher from un-aided to partially aided or aided school or division*”. As such, this Rule itself made clear that the employees from partially aided

classes are permitted to transfer to the fully aided classes. On this count alone, the impugned order, wherein one of the major reason given by the Education Officer that there is no provision of such transfer is illegal.

9. Insofar as the other deficiencies, such as, details vacancy, seniority list, reason of vacancy, copy of resolution are not enclosed along with proposal are concerned, it is the submission of the Petitioners that if they could have been granted opportunity of hearing, all these minor objections would have been removed by them immediately. However, only because opportunity of hearing was not granted by the Education Officer, said minor deficiencies were remained to be removed.

10. In the light of above factual position, we are of the opinion that the order dated 10/2/2025 passed by the Education Officer is liable to be quashed and set aside and the matter is required to be remitted back to the Education Officer to decide afresh. In the result, we proceed to pass following order.

ORDER

(a) Writ Petition is allowed.

- (b) The impugned order dated 10/2/2025 passed by the Respondent No.3 – Education Officer, Zilla Parishad, Satara is hereby quashed and set aside.
- (c) The matter is remanded back to the Education Officer (Primary), Zilla Parishad, Satara to decide the proposal dated 26/11/2024 afresh and consider the Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 while deciding the proposal.
- (d) The Education Officer (Primary), Zilla Parishad, Satara is directed to grant hearing opportunity to the Petitioners before deciding the proposal of approval.
- (e) The Education Officer is directed to decide this proposal, as expeditiously as possible, and in any case, within a period of three months.
- (f) Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]

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