

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

WRIT PETITION NO. 5145 OF 2025

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Urmila Ganpati Shinde and Ors.

... Petitioners

Versus

The State Of Maharashtra
Throu. The Sec. School Education And Sports Dept
and Ors.

... Respondents

.....
Mr. Prashant Bhavake for the Petitioners.
Ms. T.J. Kapre, AGP for the Respondent - State.
.....

CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.

DATE : 22nd JANUARY, 2026.

P. C. :

1. Issue notice to the respondents returnable forthwith.
2. Heard finally.
3. The petitioner was transferred to aided post of Assistant Teacher from unaided post and after having served for 7 years, the respondent No.5 – Education Officer (Secondary) refused to grant approval to the petitioner's transfer, relying on Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 [MEPS Rules] and

Government Resolution dated 1st April 2021. The records indicate that the petitioner was transferred on 1st June 2020, while the Rule 41A was introduced on 8th June 2020. The Rule 41A and Government Resolution dated 1st April 2021 have no retrospective effect. The respondent No.5 - Education Officer, therefore, ought not to have refused to grant approval relying on Rule 41A of the MEPS Rules and G.R. dated 1st April 2021.

4. We, therefore set aside the order dated 16th November 2022 passed by the Education Officer, with a direction to the concerned Education Officer to decide the proposal afresh within time frame of two months from the date of receipt of copy of this order.

5. The Writ Petition stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]