

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

WRIT PETITION NO. 5057 OF 2015

Bharti Kashinath Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Dnyaneshwar B. Pokale, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. S. Dambe, Advocate for the Respondent No. 4.

WITH

WRIT PETITION NO. 4900 OF 2015

Sunita Bhanudas Bangar and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for Petitioners.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Dambe, Advocate for the Respondent No. 3.

WITH

WRIT PETITION NO. 4901 OF 2015

Mangal Bajirao Jaybhaye .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Dambe, Advocate for Respondent Nos. 3 to 5.

WITH

WRIT PETITION NO. 4902 OF 2015

Vikas Vinayakrao Gavate and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Bhagwat A. Shinde, Advocate for Petitioners.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. S. Dambe, Advocate for Respondent Nos. 4 and 5.

WITH

WRIT PETITION NO. 4915 OF 2015

Sonali Uddhavrao Chandanshiv .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. B. Pawar, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for the Respondent No. 1.

Shri S. S. Dambe, Advocate for Respondent Nos. 2 and 3.

WITH

WRIT PETITION NO. 4928 OF 2015

Sunita Pandurang Sanap and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Avinash Deshmukh, Advocate for Petitioners.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Dambe, Advocate for the Respondent No. 3.

WITH

WRIT PETITION NO. 4930 OF 2015

Santosh Bhimrao Munjal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sanjay K. Dhabekar, Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 4931 OF 2015

Umesh Ahilaram Lagad and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Shri Suvidh S. Kulkarni, Advocate for Petitioners.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 4992 OF 2015

Nitin Prabhakarrrao Veer and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Shri Avinash Deshmukh, Advocate h/f Shri R. S. Deshmukh,
Advocate for Petitioners.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 4.
Mrs. Deepali Jape Ansingkar, Standing Counsel for the
Respondent No. 5.

WITH
WRIT PETITION NO. 5036 OF 2015

Baban Bhanudas Dagadkhair and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for Petitioners.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Dambe, Advocate for the Respondent No. 3.

**WITH
WRIT PETITION NO. 5213 OF 2015**

Shaikh Feroz Salim	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Shri A. N. Nagargoje, Advocate h/f Ms Nirmala D. Borade,
Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

**WITH
WRIT PETITION NO. 5214 OF 2015**

Sunil Bansi Vairage	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Shri A. N. Nagargoje, Advocate h/f Ms Nirmala D. Borade,
Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

**WITH
WRIT PETITION NO. 5238 OF 2015**

Khose Ashok Baliram	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Shri A. N. Nagargoje, Advocate h/f Ms Nirmala D. Borade,
Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 5251 OF 2015

Khose Vijay Vikram .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri A. N. Nagargoje, Advocate h/f Ms Nirmala D. Borade,
Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 5253 OF 2015

Varsha Madhukar Wagh .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri A. N. Nagargoje, Advocate h/f Ms Nirmala D. Borade,
Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 5257 OF 2015

Shital Rajaram Mengade .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri A. N. Nagargoje, Advocate h/f Ms Nirmala D. Borade,
Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 3 and 4.

WITH
WRIT PETITION NO. 5952 OF 2015

Ashwini Anandrao Jagdale .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Hanumant P. Jadhav, Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for the Respondent No. 1.
Shri S. S. Dambe, Advocate for Respondent Nos. 2 to 4.

WITH
WRIT PETITION NO. 6494 OF 2015

Ganesh Prabhakar Kadam and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Shri Bhagwat A. Shinde, Advocate for Petitioners.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri S. S. Dambe, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 8097 OF 2015

Aadinath Bappasaheb Bharati
and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Shri Suvidh S. Kulkarni, Advocate for Petitioners.
Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. S. Dambe, Advocate for Respondent Nos. 2 to 5.

WITH
WRIT PETITION NO. 8098 OF 2015

Nitin Limbaji False and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Shri Hemant Surve, Advocate for Petitioners.
Shri K. G. Patil, Addl.G.P. for the Respondent No. 1.
Shri S. S. Dambe, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.
DATE : 03RD AUGUST, 2015.**

PER COURT :

. In all these writ petitions, the petitioners are working as Assistant Teachers. They were transferred under the orders of the Chief Executive Officer, Zilla Parishad, Beed. The transfers were on account of couple convenience/mutual transfers/request transfers. It is not disputed fact between petitioners and respondents that pursuant to transfer orders issued to them petitioners had joined at the transferred place and have started discharging their duties. On 23.04.2015 general order is issued by the State to the Chief Executive Officer of Zilla Parishad, Beed that, there are irregularities in the transfers/absorptions of the teachers and that has been observed by the Enquiry Committed appointed by the Additional Commissioner. The said order states that, after following principles of natural justice, further steps be taken.

2. It is submitted that, at the Principal Seat at Bombay

interim orders are passed with regard to Government Resolution dated 13.12.2013, which deals with the staffing pattern. It is stand of the Government that, because of the said interim orders passed at Principal Seat at Bombay, the Government is not in a position to take decision with regard to sanction of additional posts.

3. An anomalous situation would arise, where the petitioners are already transferred/absorbed at the respective places as per the orders of absorption/transfer and they are discharging their duties and subsequently after more than a year present order dated 23.04.2015 is issued. The same is a general order. It is not pointed out to any petitioner individually. Naturally, the Chief Executive Officer, will have to examine each and every case. It will have to issue notices to petitioners, call for the reply and then take decision.

4. The stand of the Government also appears that, the posts on which the petitioners are transferred/absorbed are pending for sanction. The Zilla Parishad has moved proposal to the Government for sanction of said posts, however, the Government is not in a position to take decision because of interim orders passed at Principal Seat at Bombay.

5. Considering the said facts of the case, we feel it appropriate

to pass following order.

6. The respondents will allow the petitioners to work at the places on which they were transferred/absorbed, till the decision is taken by the State with regard to sanction of the posts, at the place the petitioners are absorbed/transferred. The State shall move the Principal Seat at Bombay for clarification of the order with regard to Government Resolution dated 13.12.2013 and thereafter take steps in tune with that. Till the decision is taken by the State, with regard to sanction of the posts as submitted by the Zilla Parishad with the State, the petitioners would be retained at the places where they are absorbed/transferred. Of course, the respondents can take further steps after the State takes the decision about the sanction of the posts as per the proposal submitted by the Zilla Parishad. The Chief Executive Officer is at liberty to examine each and every case on its own merits. The writ petitions are disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15