

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3378 OF 2015

(Melghat Prashaskiya Shikshak Sanghatana vs. State of Maharashtra and others)

---

Office Notes, Office Memoranda of  
Coram, appearances, Court's orders    Court's or Judge's orders  
or directions and Registrar's orders.

---

Shri V.P. Maldhure, Assistant Government Pleader for  
respondent no.1.

-----

CORAM : SMT. VASANTI A NAIK AND  
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 31, 2016

By this writ petition, the petitioner Melghat Prashaskiya Shikshak Sanghatana seeks a direction against the respondents to effect transfer of Primary School Teachers of Zilla Parishad, Amravati, who are working in the tribal areas of Dharni and Melghat, to non-tribal areas by implementing the Government Resolution dated 6/8/2002.

Shri Maldhure, the learned Assistant Government Pleader appearing on behalf of respondent no.1, states that the petitioner cannot file the writ petition for seeking the aforesaid relief in a representative capacity. It is stated that the list of Teachers working in the tribal areas of Dharni and Melghat for a particular number of years is not annexed to the writ petition and the details of the Teachers that are the members of the Association are also not mentioned in the writ petition. It is submitted that though the writ petition is dismissed against the

respondent nos. 2 and 3 by the order of the Registrar (Judicial) dated 8/7/2016, the petitioner has not taken any steps for setting aside the said order.

We find much force in the preliminary objection raised on behalf of respondent no.1 to the tenability of the writ petition. No Teacher, who is located at Melghat or Dharni, has approached this Court seeking a direction against the respondents to transfer him to a non tribal area. In the absence of any particulars about the Teachers, who are continuously working in the tribal areas for long, the relief sought by the petitioner cannot be granted. It is rightly stated on behalf of respondent no.1 that a writ petition seeking the aforesaid relief cannot be filed by the petitioner in the representative capacity without giving the details of its members and the facts that lead to the seeking of the aforesaid relief. Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true  
and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani  
Private Secretary

Uploaded on :

1/9/2016