

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6317 OF 2018

Prachi Pradeep Deshmukh & Ors. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

Ms Preeti Walimbe for the Petitioners.
Mr. S.B. Kalel, AGP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JUNE 14, 2018

P.C:

1. In this petition, the petitioners are alleging that their options given, during the course of the implementation of the general policy of transfer of Zilla Parishad Primary School teachers, are not carried to their logical end in Thane and Palghar Districts alone. These options have not been allegedly considered. Meaning thereby, after District Thane was divided into two districts insofar as formation of Palghar District and Palghar Zilla Parishad is concerned, those opting for this Zilla

Parishad and District have not been posted and the policy of the Government in that behalf, and particularly in relation to the primary teachers of the Zilla Parishad has not been implemented solely in these two districts.

2. Once the attention of the learned Advocate General, who is present in Court, was invited to this aspect, he stated, on instructions, that there was a Code of Conduct and promulgated by the Election Commission of India on account of by-election to the Loksabha, namely, from the Palghar Parliamentary Constituency. Till that election process was over and the Code of Conduct was in force, no transfer policy and in relation to even the Zilla Parishad primary teachers was implemented. Now that the academic year has already commenced, the Government Resolution on the transfer of primary teachers of the Zilla Parishads, even intra-district, will not be implemented. The petitioners would have an opportunity to seek such transfer or give their options only in the next academic session, namely, 2019-2020. We accept this statement made by the learned Advocate General and dispose of this petition. We clarify that we

have not expressed any opinion insofar as the merits of the rival contentions.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)