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

WRIT PETITION NO.715 OF 2019

Keshav s/o Nivruttirao Kache,
Age : 52 years, Occ. Service (Head Master),
R/o Uday nagar, Ahamadpur,
Tq. Ahamadpur, Dist. Latur

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Rural Development & Water Conservation
Department, Mantralaya, Mumbai
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad
3. The Chief Executive Officer,
Zilla Parishad, Latur,
Dist. Latur
4. The Education Officer (Primary),
Zilla Parishad Latur,
Dist. Latur

..RESPONDENTS

Mr S.B. Sontakke, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent nos.1 & 2

**CORAM : PRASANNA B. VARALE
AND
S.M. GAVHANE, JJ.**

DATE : 18th January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner at length.

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2. It is submitted by the learned Counsel for the petitioner that for limited grievance the petitioner is before this Court for seeking directions to respondent nos.3 & 4 to allow the petitioner to participate in counselling round to be held on 22nd January, 2019, in view of Government Circular dated 28th June, 2018. Though the submission of the learned Counsel looked attractive at the first blush, on going through the material placed on record, we are unable to persuade ourselves to entertain the petition.

3. Admittedly, the petitioner is Head Master serving in a Zilla Parishad school. The State Government, by its Resolution dated 27th February, 2017 framed a policy for transfers of the Teachers. Title of the said Govt. Resolution shows that it is the modified policy of the State Government and as there were repeated requests from the Teachers for considering the transfer on the backdrop of either the convenience of the Teachers or on the backdrop of certain difficulties being faced by the Teachers. A wholesome policy is framed and perusal of the Govt. Resolution dated 27th February, 2017 shows that a stage-wise procedure is framed by the State Government. There are as many as five stages referred to in the Resolution. The State Government in its wisdom issued a subsequent Circular dated 28th June, 2018 and this was to achieve the object of the transfers which was already a policy under the Govt. Resolution dated 27th February, 2017. It would be useful to refer to the relevant portion of the Govt. Circular dated 28th June, 2018. It may not be out of place to state that this Circular even refers the

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basic Govt. Resolution dated 27th February, 2017 and further states that after completing all these stages, the Teachers who were unable to seek transfer at their desired place, grievance of such Teachers was an issue for consideration before the State Govt. Clause (1) of the Circular dated 28th June, 2018 states that those posts which were kept vacant, be made open for the choice transfers by adopting the mode of randomization round and then after seeking the preferences the Teachers be posted/absorbed/appointed where there are compulsory vacancies, by giving preference. There is also communication placed on record by the petitioner, issued by the Education Officer (Primary) to the Block Education Officer. By the said communication the Education Officer informs that a list is prepared and same is annexed to the communication dated 9th January, 2019. The Block Education Officer was directed to inform all these Teachers enlisted and submit the relevant record. It was further informed that the Block Education Officer to verify the list and if he finds that name of any Teacher is missing, he was directed to take immediate steps to forward these names in the prescribed format and then Block Education Officer was directed to inform all eligible Teachers to attend the counselling round scheduled on 22nd January, 2019. A copy of the communication dated 9th January, 2019 forwarded by the Education Officer (Primary) placed on record at Exh.F shows that the random round in respect of the Teachers of Aurangabad Zilla Parishad was scheduled on 10th January, 2019. The petitioner himself is placing on record a request application to the Divisional Commissioner at

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Exh.G. Though the said copy carries date 14.1.2018, the Counsel submits that it is a typographical error and this application/representation was submitted to the office of the Divisional Commissioner on 14th January, 2019. If this is so, the petitioner was not prevented to approach the Chief Executive Officer of the Zilla Parishad, Latur requesting him to consider his request for participation in the counselling round. At this stage, the learned Counsel for the petitioner submits that the petitioner be permitted to submit representation to respondent nos.3 & 4, namely, the Chief Executive Officer, Zilla Parishad, Latur and Education Officer (Primary), Zilla Parishad, Latur with a request to consider the claim of the petitioner in the counselling round.

4. Thus, though we are not allowing the petition and the petition is dismissed, we grant liberty to the petitioner to submit representation to the Chief Executive Officer, Zilla Parishad, Latur and Education Officer (Primary), Zilla Parishad, Latur by Monday, the 21st January, 2019. The Chief Executive Officer and the Education Officer (Primary) may decide the representation on that very day, considering the representation and the facts in the representation only.

5. With aforesaid liberty and directions, the petition is dismissed.

(S.M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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