

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

974 WRIT PETITION NO.1953 OF 2018

MADHAV PANDHARINATH GUNDRE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr Mathpati Shivkumar K  
AGP for Respondents State: Mr. A. R. Kale  
Advocate for Respondents 6 :Mr. Tandale P.R.  
Advocate for respondent No.7: Mr. A. V. Hon

**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVAL, JJ.**

**DATE : 5<sup>th</sup> April, 2019**

**PER COURT :**

1. Heard learned counsel for the petitioner.
2. The petitioner is challenging Government resolution dated 15.04.2017 and various Government Resolutions as referred in the prayer clause.
3. With regard to the prayer clause made, seeking direction to restore the policy dated 27.02.2017 to the Class of Secondary Teachers, in our view, the same is prerogative of the Executive. Framing of policy in a particular manner is the domain of the Executive under Article 162 of the Constitution. The Court should not embark upon the field of policy decision. The same

would tantamount to transgressing the domain of the Executive. The State, in its wisdom, has to frame a policy.

4. The Government Resolution dated 27.02.2017 has been made applicable only to regulate transfer of the primary teachers. In view of Government Resolution dated 15.04.2017, the petitioner seeks benefit of the Government Resolution dated 27.02.2017. Inasmuch as, according to them, they should be governed with the similar policy as enshrined in Government Resolution dated 27.02.2017.

5. The Secondary Teachers are governed by the transfer policy as detailed in Government Resolution dated 15.05.2014 and the corrigendum issued to those Government Resolution. The petitioners are, as such, not governed by the Government Resolution dated 27.02.2017 in view of the Government resolution dated 15.04.2017.

6. As observed supra, it would be for the State Government to consider the grievance of the secondary teachers with regard to the transfer policy. Learned

counsel for the petitioners submits that the petitioners have already approached the State Government on number of occasions but all their requests fell on deaf ears.

7. In case the petitioners approach the State Government with regard to the transfer policy, then the State Government in its wisdom shall take decision with regard to the policy for transfer of the Secondary teachers, expeditiously, preferably within a year.

8. Writ petition disposed of. No costs.

**(A. M.DHAVALÉ,J.)**

**(S.V.GANGAPURWALA, J.)**

JPC