

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5060 OF 2018

Yogesh Nanabhau Patil and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....
 Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent Nos. 3, 4 and 5
 Mr. V.P. Patil, Advocate for Respondent Nos. 22, 23 and 32
 Mr. Y.B. Bolkar, Advocate for Respondent Nos. 6 to 21, 25 to 30

...

WITH WRIT PETITION NO. 4955 OF 2018
 WITH
 CIVIL APPLICATION NO. 7576 OF 2018

Vaishali Dharma Shinde and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....
 Mr. S.G. Munde, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. N.N. Desale, Advocate for Respondent No. 4
 Mr. Rahul Pawar, Advocate for Respondent Nos. 7 and 8

...

WITH WRIT PETITION NO. 5101 OF 2018

Uttam Shankar Mali	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

....
 Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent Nos. 3, 4 and 5
 Mr. Y.B. Bolkar, Advocate for Respondent Nos. 7 and 8

...

WITH WRIT PETITION NO. 5105 OF 2018

Tanveer Ahmed Munir Ali Shah ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner

Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State

Mr. M.S. Sonawane, Advocate for Respondent Nos. 3, 4 and 5

...

WITH WRIT PETITION NO. 5108 OF 2018

Sangita Dharmaji Dhangar ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner

Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State

Mr. M.S. Sonawane, Advocate for Respondent Nos. 3, 4 and 5

Mr. Y.B. Bolkar, Advocate for Respondent Nos. 7, 8 and 9

...

WITH WRIT PETITION NO. 5152 OF 2018

Avinash Shravan Mali ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner

Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State

Mr. M.S. Sonawane, Advocate for Respondent Nos. 3, 4 and 5

Mr. Y.B. Bolkar, Advocate for Respondent Nos. 7 and 9

...

WITH WRIT PETITION NO. 5154 OF 2018

Sima Yogesh Patil ...Petitioner
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent Nos. 3, 4 and 5
 Mr. V.P. Patil, Advocate for Respondent No. 7
 Mr. Y.B. Bolkar, Advocate for Respondent Nos. 9 and 10

...

WITH WRIT PETITION NO. 5356 OF 2018

Vikas Machhindra Pardeshi and Ors. ...Petitioners
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Mr. V.P. Savant, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. K.B. Jadhavar, Advocate for Respondent Nos. 2 and 3

...

WITH WRIT PETITION NO. 5549 OF 2018

Sadanand Ramdas Madewar and Ors. ...Petitioners
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Mr. S.S. Thombre, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.B. Ghute, Advocate for Respondent Nos. 3, 4 and 6 to 14

...

WITH WRIT PETITION NO. 5653 OF 2018

Manisha Suresh Narwade and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....
Mr. S.K. Mathpati, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr. S.B.Yawalkar, AGP for
Respondents/State
Mr. D.S. Mali, Advocate for Respondent Nos. 4 and 5

...

WITH WRIT PETITION NO. 5759 OF 2018

Rajesh Tukaram Shimpi ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

....
Mr. D.B. Thoke, Advocate for Petitioner
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. M.S. Sonawane, Advocate for Respondent No. 3

...

WITH WRIT PETITION NO. 5782 OF 2018

Youraj Vitthalrao Powade and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....
Ms. P.S. Talekar, with Mr. U.R.Awate, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. S.B. Pulkundwar, Advocate for Respondent Nos. 3 and 4

...

WITH WRIT PETITION NO. 5783 OF 2018

Shaikh Khudbuddin Hussain and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....
 Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. R.D. Raut, Advocate for Respondent Nos. 3 and 4
 ...

WITH WRIT PETITION NO. 5785 OF 2018

Shubhash Bapurao Dhamane and Ors. ...Petitioners
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr. S.B.Yawalkar, AGP for
 Respondents/State
 Mr. A.D. Aghav, Advocate for Respondent Nos. 3 and 4
 ...

WITH WRIT PETITION NO. 5819 OF 2018

Meera Deochand Pardeshi ...Petitioner
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.B. Ghute, Advocate for Respondent Nos. 3 and 4
 ...

WITH WRIT PETITION NO. 5822 OF 2018
 WITH CIVIL APPLICATION NO. 8465 OF 2018

Sunilkumar Mansaram Patil ...Petitioner
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent No. 3

...

WITH WRIT PETITION NO. 5843 OF 2018

Vitthal Sopanrao Chame and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....

Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. D.S. Mali, Advocate for Respondent Nos. 4 and 5

...

WITH WRIT PETITION NO. 5984 OF 2018

Anil Panditrao Patil ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State

....

WITH WRIT PETITION NO. 6001 OF 2018

Rajesh Walmikrao Patil ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State

...

WITH WRIT PETITION NO. 6372 OF 2018

Gonarkar Usha Haribatrao ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

....
 Mr. S.V. Deshmukh, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.B.Pulkundwar, Advocate for Respondent No. 3
 Mr. B.N. Gadegaonkar, Advocate for Respondent No. 4

WITH WRIT PETITION NO. 6383 OF 2018

Padmsinh Baburao Jadhav and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....
 Mr. S.K. Mathpati, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.B. Ghute, Advocate for Respondent Nos. 4 and 5

...

WITH WRIT PETITION NO. 6894 OF 2018

Vitthal Uttamrao Arbe	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

....
 Mr. V.P. Sawant, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. K.B. Jadhavar, Advocate for Respondent Nos. 2 and 3

...

WITH WRIT PETITION NO. 6896 OF 2018

Sudhir Parmeshwar Jagtap and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....
 Mr. S.K. Mathpati, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. D.S. Mali, Advocate for Respondent Nos. 4 and 5

...

WITH WRIT PETITION NO. 6908 OF 2018

Pandurang Vitthalrao Kokulwar and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....
Mr. S.K. Mathpati, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. S.B. Pulkundwar, Advocate for Respondent Nos. 4 and 5
...

WITH WRIT PETITION NO. 7097 OF 2018

Priyanka Subhash Kumawat ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

....
Mr. C.K. Shinde, Advocate for Petitioner
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. M.S. Sonawane, Advocate for Respondent No. 3
...

WITH WRIT PETITION NO. 7410 OF 2018

Vinod Arjun Saudane and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....
Mr. S.G. Munde, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Ms. Vaishali S. Choudhari, Advocate for Respondent No. 5
Mr. R.M. Jain, Advocate for Respondent Nos. 7 to 14
...

WITH WRIT PETITION NO. 7562 OF 2018

Ganesh Tryambak Patil	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent No. 3
 Mr. A.D. Pawar, Advocate for Respondent No. 7

...

WITH WRIT PETITION NO. 7563 OF 2018

Manoj Budha Deore	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent No. 3

...

WITH WRIT PETITION NO. 7565 OF 2018

Raosaheb Dayaram Patil and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent No. 3

...

WITH WRIT PETITION NO. 7600 OF 2018

Avinash Vishnu Patil	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Mr. D.B. Thoke, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. M.S. Sonawane, Advocate for Respondent No. 3

...

WITH WRIT PETITION NO. 8077 OF 2018

Sanjay Sakkhaji Kadus and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Mr. A.S. Khedkar, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.T. Shelke, Advocate for Respondent Nos. 3 and 4

...

WITH WRIT PETITION NO. 8078 OF 2018

Santosh Amrutrao Divate and Ors.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Mr. A.S. Khedkar, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.T. Shelke, Advocate for Respondent Nos. 3 and 4

...

WITH WRIT PETITION NO. 8293 OF 2018

Shankar Rama Korale	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

....

Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. R.D. Raut, Advocate for Respondent Nos. 3 and 4

...

WITH WRIT PETITION NO. 8296 OF 2018

Mallinath Sidrmappa Salshe ...Petitioner
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioner
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. R.D. Raut, Advocate for Respondent Nos. 3 and 4
 ...

WITH WRIT PETITION NO. 336 OF 2019

Annapurna Satvaji Wadje and Ors. ...Petitioners
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Mr. S.K. Mathpati, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.B. Pulkundwar, Advocate for Respondent Nos. 4 and 5

WITH WRIT PETITION NO. 8119 OF 2018

Babarao Champatrao Miratkar and Ors. ...Petitioners
 Versus
 The State of Maharashtra and Ors. ...Respondents

....
 Mr. S.G. Munde, Advocate for Petitioners
 Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
 Respondents/State
 Mr. S.G. Joshi, Advocate for Respondent Nos. 7 and 14

WITH WRIT PETITION NO. 8859 OF 2018

Mahananda Sopanrao Kendre and Ors. ...Petitioners
 Versus
 The State of Maharashtra and Ors. ...Respondents

....

Mr. S.G. Munde, Advocate for Petitioners
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. A.D. Aghav, Advocate for Respondent Nos. 7 and 8
Mr. S.B. Deshpande, Advocate for Respondent No. 12

WITH WRIT PETITION NO. 5222 OF 2018

Dr. Ravindra Kakde and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

....
Ms. P.S. Talekar, Advocate with Mr. U.R.Awate, Advocate for Petitioner
Mr. V.J. Dixit, Special Counsel with Mr.S.B.Yawalkar, AGP for
Respondents/State
Mr. A.D. Aghav, Advocate for Respondent Nos. 3 and 4
Mr. M.L. Kolhe, Advocate for Respondent No. 6
Mr. A.B. Kadethankar, Advocate for Respondent No. 13

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

DATE : 30th APRIL, 2019

ORAL ORDER:

1. We have heard the learned Advocate for petitioners, the learned Senior Counsel for the State and the learned Counsel for the respective Zilla Parishads.

2. The petitioners challenge the orders transferring them relying on the Government Resolution dated 27.02.2017. The transfers are effectuated in the academic year 2018-2019. One year has lapsed after the transfers are effectuated and the petitioners have joined at the transferred place.

3. In some of the petitions, petitioners also claimed transfer on the ground of couple convenience. We have passed orders in respect of those persons claiming transfer on the ground of couple convenience on 20.03.2018. The petitioners, who have sought transfers on the ground of couple convenience, would be governed by the said order. The same order applies to the petitioners, who have sought transfers on the ground of couple convenience.

4. In fact, the Writ Petitions are rendered academic with the passage of time. Large scale transfers were effectuated in various districts. The said transfer orders were subject matter of challenge before the Principal Seat at Bombay, at Nagpur and before this Court.

5. The general grounds on which the orders of transfer are challenged are that the Rural Development Department has usurped the powers of the Zilla Parishad. The Zilla Parishad is the authority to effectuate the transfer orders. However, the said powers are used by the Rural Development Department and the transfers are effectuated by the said Department. It is also the contention of the petitioners that the State-wise list as contended in the Government Resolution is not published. The vacancy list for difficult areas was not published. The first stage contemplated in the Government Resolution is not complied with. The steps are not taken to fill in vacant posts available in schools in the Tribal/ nexalite

areas that was the mandate of the Government Resolution. The postings are issued more than sanctioned strength in several schools, no collection of material data regarding mapping of graduate teachers such as science graduates are allotted language and social sciences and vice versa. The transfers are not affected in stages, providing 20 preferences was mere formality as most of the preferences were already filled in category - I, and they were not communicated to the category II, III and IV teachers. The special category I and II teachers whose transfers were cancelled/revoked by the State Government, came to be transferred in the last random rounds. It is further case of the petitioners that equalization of post is not conducted. Selective treatment has been given to some teachers. There is complete imbalance and equalization has not been achieved. The primary schools ought to have been taken as unit for equalization. In order to keep vacancies as compulsory vacancies, some teachers who were in excess were required to be transferred or shifted to some other schools prior to effecting transfers of employees from special category-I. However, the same was not done by making transfers at stage one of the stages mentioned in Government Resolution. The transparency was not maintained. The Government Resolution is grossly violated by whims and fancies of the co-coordinator Mr. Pradeep Bhosale, who himself was an Assistant Teacher. WhatsApp group was formed by

Mr. Bhosale of State level teachers. The publication was not done by the notification or by the office orders, but by WhatsApp posts in contravention of Government Resolution dated 27.02.2017. The documents are not verified leading to bogus claims. Seniority list is not considered while passing transfer orders. The object of the Government Resolution is undermined. The administrative transfers are effected as request transfers. Nearly 98,000 teachers are transferred i.e. nearly 75% of the total teachers. There were technical glitches during the process of transfer, such as defective software leading to displaying wrong vacancy list, non operation of software leading to non filling of preferences by several persons. The feeding mothers/pregnant women were transferred despite restriction under the Government Resolution.

6. As per the respondents - Zilla Parishad and State, the Government Resolution dated 08.03.2019 provides for three year lock-in period on transfer. The said Government Resolution puts certain categories and special categories and also put certain conditions. The present writ petition challenging the transfer orders are not maintainable. Individual challenge has to be made. The Government Resolution dated 27.02.2017 has been upheld by this Court. For the subject matter of challenge, the petitioners have remedy before the Commissioner. The Commissioner has taken decision and the decision has become final. The sole purpose of

transfer under the Government Resolution is to provide equalization, which means equitable distribution of available pool of teachers to the students of schools in the district. The transparency has been maintained. The transfers are effectuated strictly in accordance with the Government Resolution dated 27.02.2017. The powers of the Zilla Parishad are not abrogated. The transfers are effectuated by the Zilla Parishad. The concerned Zilla Parishads have published a list of hard area and all further lists as contemplated under the Government Resolution. The map on portal was displayed of compulsory vacancies. The same was published. The list of the teachers under consideration was also declared. The data is available on several portals. All these information has been uploaded by the concerned Chief Executive Officer of the Zilla Parishad. All the basic things have been done by the Zilla Parishad. The transfers are effectuated through computerized system. The water mark on the computer generated orders of Under Secretary was applied to avoid any tampering in the orders. It cannot be misinterpreted so as to stretch it to the extent that the orders are issued at the level of Mantralaya. All the lists are published by the concerned Zilla Parishad as per the policy of transfer such as the list of hard area, the list of teachers under consideration, list of clear and compulsory vacancies. The objections were called to all these lists by the concerned Chief Executive Officer of the Zilla Parishad. The

Stage-wise transfers have been effectuated. The Special Category- I and TBR as shown in Government Resolution dated 27.02.2017 are as per priority given to the teachers. The role of State Co-coordinator was of a facilitator as the process was on line and if any problem arises in the on-line process then in order to resolve the same from NIC, the said co-coordinator was useful and category-wise transfers were made. Seniority was also considered and adhered to. The service seniority in the district was considered. The teachers teaching in 6th to 8th standard (graduate teachers) are expected to teach social science as per Government Resolution dated 08.12.2016. Therefore, they are transferred to those places. The randomisation was introduced as certain teachers could not get the posting of their choice. The administration is trying their level best to accommodate the teachers at their given option. The educational interest of students is of higher priority over the teachers convenience.

7. As we have observed (*supra*), the petitions are now rendered academic, one year has already lapsed, the transfers are effectuated. The petitioners have joined at the transferred place, it would be no use setting the clock back today. That would disturb the other persons, and create more chaotic situation.

8. This was the first time, the transfers were effectuated pursuant to the Government Resolution dated 27.02.2017. Certainly,

it may not be possible to accommodate each and every employee transferred to the place of his choice, but the efforts are to be made to comply the Government Resolution dated 27.02.2017 in its true letter and spirit. It appears that when the matters were earlier heard, some anomaly was also noticed. The seniority is to be taken into consideration while a person is transferred. The person who is senior always would senior and then he would be subject to transfer every year without stability in his service. In view of that, it appears that the Government has come out with the Government Resolution dated 08.03.2019 providing three years lock-in period. It also appears that the Government Resolution dated 08.03.2019 has also been issued, thereby certain categories are placed in special category and some other conditions are also laid down.

9. The magnitude of transfer was enormous. It appears that some persons had produced forged and fabricated documents to seek transfer. It is stated that the said transfers were recognized and actions are taken against them. We may not enter into the technical glitches. The respondents have filed affidavit to the effect that the lists were published from time to time, whereas, the petitioners claim otherwise. It would not be possible to make investigation into the said fact. In the Judgment of the Division Bench at Nagpur in Writ Petition No. 3616/2018 dated 20th March, 2019, the Division Bench observed that in stead of disturbing present transfer order, they

would allow the petitioners to take part in current transfer orders i.e. to commence from 25.03.2019. It appears that while deciding the matter in Writ Petition No. 3616/2018 under Judgment and order dated 20th March, 2019, the Government Resolution dated 8th March, 2019 was not brought to the notice of the Division Bench at Nagpur.

10. The Division Bench of this Court at it's Principal Seat at Bombay, under order dated February 27, 2019 in Writ Petition No. 613/2018 with connected writ petitions did not express any opinion on the rival contentions of the parties and it was left to the Chief Executive Officers to take decision.

11. Considering the fact that academic year 2018-2019 was the first year by which transfers were effectuated on line and resorting to the Government Resolution dated 27.02.2017, some technical glitches may appear. However, that may not be reason to set aside the transfer orders.

12. As we have observed above that it will not be possible to direct respondents to pass the orders of transfers of the petitioners afresh so as to disturb the other persons who are in the process of transfer or already transferred, we would restrict our order considering lock-in period in the Government Resolution dated 8th March, 2019, and we would restrict the directions as under.

13. The petitioners in these petitions (other than those who have claimed transfer on the ground of couple convenience) may if they so desire seek accommodation on the place where the other petitioners in the present petitions are transferred i.e. they may seek mutual transfer on each others place without disturbing the third person. The same shall be considered by the respondent authorities if it is feasible i.e. without disturbing the other persons and subject to the availability of the posts for the particular subject. This shall be considered for the ensuing academic year 2019-2020 without insisting for the lock-in period as the same would be amongst the petitioners inter se without distributing any other persons.

14. The Writ Petitions are accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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