

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

WRIT PETITION NO. 6759 OF 2019

Rajesh Limbraj Dhongde and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh S. Jadhavar, Advocate for Petitioners.

Shri P. K. Lakhotiya, A.G.P. for the Respondent No. 1.

Shri P. P. More, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 26TH NOVEMBER, 2019.

FINAL ORDER :

. The communication dated 28th May, 2019 is assailed by the petitioner on the ground that clause 2 of the said circular/communication is discriminatory. It only applies to the teachers and not to other employees of the Zilla Parishad. The contra distinction is sought to be made in the G. R. dated 27.02.2017 and the communication dated 28th May, 2019.

2. According to the learned counsel, even other employees of the Zilla Parishad are entitled for transfer on the ground of couple convenience.

3. The communication dated 28th May, 2019 is not superseding the G. R. dated 27.02.2017. The G. R. dated

27.02.2017 is in the nature of executive instructions under Article 162 of the Constitution of India. The communication dated 28th May, 2019 is in respect of teachers who are serving under the same Zilla Parishad and procedure is prescribed for the manner of making the application. The same does not in any manner take away the rights of the employees of the Zilla Parishad seeking transfers as is detailed in the G. R. dated 27.02.2017. We do not find that, the clauses governing transfers in G. R. dated 27.02.2017 are in any manner circumscribed by the communication dated 28th May, 2019 in which procedure has been provided. Substantive right of the transfer under G. R. dated 27.02.2017 are not affected in whatsoever manner, atleast same appears to be on plain reading of the communication dated 28th May, 2019.

4. In the light of the above, we do not find any merit in the challenge. The writ petition as such is dismissed. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]