

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

41 WRIT PETITION NO.10814 OF 2018

VIJAYKUMAR TARACHAND RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
WITH
WRIT PETITION NO. 10991 OF 2018

VITTHAL SHAMRAO PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Thombre S. S.
AGP for Respondents State: Mr. Y. G. Gujrati
Advocate for Respondent No.2 : Mr. K. B. Jadhavar
WITH
42 WRIT PETITION NO.10986 OF 2018

SUREKHA PANDIT JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Shinde Balaji S.
AGP for Respondents State: Mr. Y. G. Gujrati
Advocate for Respondents 3 and 4 : Mr. K. B. Jadhavar

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

DATE : 19th March, 2019

PER COURT :

1. Petitioners in all these writ petitions claim that they had been transferred under orders of the competent authority to their respective places within the precincts of Zilla Parishad Beed. The same was as per the Government Resolution dated 24th April, 2017,

however, the Chief Executive Officer, Zilla Parishad, Beed is not allowing the petitioners to join at their transferred places. The stand of the petitioners is that they have been relieved by the respective Zilla Parishads where they were working to the join at Zilla Pariahds Beed. The petitioners had been to the Zilla Parishad, Beed to join at the transferred places, however, they are not being allowed to resume their duties. The stand taken by the Respondent Zilla Parishad, Beed, is that there are excess teachers working in the Beed Zilla Pariahd. There are almost 363 excess teachers with Zilla Parishad, Beed and as there are excess teachers, the petitioners cannot be accommodated.

2. In the Public Interest Litigation bearing No.52 of 2017, the State has filed affidavit. The Court, referred to the affidavit filed by the State and observed in its order dated 4th September, 2018 that the State Government is taking appropriate steps and exercise for repatriation is going on and the same was with regard to the transfers effectuated in 2014-2015.

3. In the present matters, the transfer order itself refers the Government resolution dated 24th April, 2017 i.e. in accordance with the policy adopted by the State Government in effectuating transfers of the Zilla Pariahsad teachers.

4. Learned counsel for the petitioners states that the petitioners may be allowed to join duties at Zilla Parishad Beed and the same shall be subject to the decision that would be taken by the State Government with regard to their transfers.

5. Learned counsel for the Zilla Parishad has submitted that because the Latur Zilla Parishad has given no objection to transfer persons who were transferred to Beed Zila parishad, the said posts are also required to be filled in. The Petitioner in 10986/2018 submitted that pursuant to the interim orders, the petitioner is allowed to join at the transferred place.

6. The anomalous situation has arisen. In view of the order of transfer issued in their favour, the petitioners are relieved by the respective Zilla

Parishads and the Beed Zilla Parishad is not allowing them to join at the places of their transfer and they are neither here nor there.

7. In view of the fact that orders of transfer are still in force, the Zilla Parishad Beed shall allow the petitioners to work at their transferred places i.e. the place of transfer as per transfer orders and if at all at the said place no posts are available, then at any other place in Beed Zilla Parishad. The State Government shall take effective steps to resolve these anomalous position. The petitioners would be allowed to join the duties subject to the decision that would be taken by the Government.

8. Writ Petitions are disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC