

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7778 OF 2014

Rajendra Govind Jadhav and Ors.

... Petitioners.

V/s.

Zilla Parishad, Satara, through
the Chief Executive Officer & Ors.

... Respondents.

Mr. Pakale I/b. Mr. A.R. Belge for the Petitioners.

Mr. U.P. Warunjikar for Respondents 1 and 2.

Ms. Nisha Mehra, AGP for the Respondent – State.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 10 JUNE 2019.

P.C. :-

Case of the five Writ Petitioners pleaded is that they are teachers posted in Zilla Parishad Primary Schools located in different Talukas of District Satara, to which there is no denial.

2. It is the further case of the Petitioners, to which there is no denial, that as per Government Resolution dated 12 May 2011, a policy decision was notified that where husband and wife are in Government service, subject to exigencies of service, they should be posted in the same Talukas. The grievance is to the Petitioners being transferred within the District but to Talukas having areas outside where their respective spouse is employed.

3. The transfer order has been necessitated on account of an exercise carried out to find surplus teachers in the existing schools.

4. Issuing notices in the Writ Petition on 22 August 2014, an interim order was passed that if not implemented till 22 August 2014, the order of transfer would be stayed.

5. We are in the year 2019. During this period teachers would have superannuated. Teachers may have been transferred out.

6. Thus, it would be useless to decide the factual aspect as of today.

7. Suffice it to state that the policy in question is subject to exigencies of the service. Meaning thereby if surplus teachers cannot be accommodated in the same Taluka they would have to be posted in the different Taluka.

8. Declaring the legal position, we dispose of the Petition directing that henceforth while effecting transfers if a teacher is posted outside the Taluka where the spouse is working, reason to bring out the administrative exigencies be recorded. We further declare that such Petitioners who were not transferred out on account of the interim order would be permitted to continue to draw salary from the place where they are working.

N.M. JAMDAR, J.

CHIEF JUSTICE