

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.102 OF 2020**

**SATISH SHAHADEO GAWADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Balaji S. Shinde, Advocate for the Petitioners.
Mr. S. B. Yawalkar, AGP for Respondents-State.
Mr. P. D. Suryawanshi, Advocate for Respondent
Nos.3 and 4.

**AND
WRIT PETITION NO.4471 OF 2022
WITH WP/4472/2022**

**VAIJNATH BABURAO BHENDEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Balaji S. Shinde, Advocate for the Petitioners.
Mr. K. N. Lokhande, AGP for Respondents-State.
Mr. V. M. Vibhute, Advocate for Respondent Nos.3
and 4.

**...
AND
WRIT PETITION NO.4506 OF 2022**

**MAHESH SATUBA DOIFODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

**AND
WRIT PETITION NO.4511 OF 2022**

**SHARAD KISAN PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

**...
Mr. Balaji S. Shinde, Advocate for the Petitioners.
Mr. S. B. Yawalkar and Mr. S. G. Karlekar, AGPs for
Respondents-State.
Mr. A. D. Aghav, Advocate for Respondent Nos.3 and
4.**

AND
WRIT PETITION NO.4254 OF 2022

MANOJ ASHOK MASKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioners.

Mr. S. G. Karlekar, AGP for Respondents-State.

AND
WRIT PETITION NO.3885 OF 2022

SHARAD KACHRU MUJMULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioners.

Mr. S. B. Yawalkar, AGP for Respondents-State.

AND
WRIT PETITION NO.4262 OF 2022

VILAS SUBHASH TAKPIRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioners.

Mr. K. N. Lokhande, AGP for Respondents-State.

AND
WRIT PETITION NO.4469 OF 2022

BHAURAO BHIKAJI SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioners.

Mr. S. P. Tiwari, AGP for Respondents-State.

AND
WRIT PETITION NO.4022 OF 2022

GAJANAN KESHAV MOHARUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioners.

Mr. S. P. Tiwari, AGP for Respondents-State.

AND
WRIT PETITION NO.4023 OF 2022

ARJUN DASHRATH WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioners.

Mr. S. G. Karlekar, AGP for Respondents-State.

CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.

DATED : 21st APRIL, 2022.

PER COURT:-

1. By consent of parties all these Writ Petitions were heard together and are being disposed of by a common order.

2. The common grievance in these petitions filed by various employees of Zilla Parishad is that, though the Zilla Parishad has rightly issued orders of various dates mentioning the seniority of all the teachers who were transferred inter-district as per Rule 6(8)(ii) of the Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967 (hereinafter referred to as 'the Rules, 1967'), the same seniority is not considered for the purpose of further transfers.

3. During the course of the argument the learned Addl. G.P. invited our attention to the Government Resolution dated 07th April, 2021 and more particularly Clause 4.5.1 and would submit that, the seniority granted to each of these petitioners who are transferred by mutual transfer under Rule 6(8)(ii) of the Rules, 1967 is for granting service benefits, whereas as per Clause 4.5.1 of the said Government Resolution dated 07th April, 2021, a separate seniority list is required to be prepared for inter-district transfers.

4. The learned counsel for parties do not dispute that, the seniority list is already prepared under Rule 6(8)(ii) of the Rules, 1967 on the basis of the said Rule while transfers of each of these petitioners to different Zilla Parishad.

5. The learned counsel for the parties do not dispute that, for the purpose of further transfers, the provision of the Government Resolution dated 07th April, 2021 would apply and a separate seniority list only for that limited purpose is required to be prepared.

6. Each of these petitioners have made separate representation in that direction which are pending before the Authorities.

7. In view of the limited controversy for the separate seniority list for the purpose of

effecting further inter-district transfers in terms of the Government Resolution dated 07th April, 2021 is yet to be prepared and the representations made by the petitioners are still pending, we direct the Chief Executive Officer of respective Zilla Parishads to consider the pending representations and based thereon shall give effect to the decision that would be taken while preparing separate seniority list for the purpose of effecting inter-district transfers in terms of Government Resolution dated 07th April, 2021. The Chief Executive Officers of respective Zilla Parishads shall take appropriate decision on or before 29th April, 2022 after considering the representations made by each of these petitioners forming a part of their respective petitions.

8. In so far as Writ Petition No.3885/2022 is concerned, the learned counsel for the petitioners invited our attention to the decision already taken on 29th March, 2022 by the Zilla Parishad. In view of the directions given by us by this order in entire bunch of petitions, we quash and set aside the said impugned order dated 29th March, 2022 and direct the Chief Executive Officer, Osmanabad to prepare the seniority list for the purpose of effecting inter-district transfers in accordance with Clause 4.5.1 of the Government Resolution dated 07th April, 2021.

9. It is made clear that, the Chief Executive Officer while implementing the direction issued by us in earlier paragraphs of this order to prepare seniority list for the purpose of effecting transfers in accordance with the Government Resolution dated 07th April, 2022 only.

10. It is further made clear that, the impugned order which is subject matter of Writ Petition No.3885/2022 which is quashed and set aside in the earlier paragraph of this order is only for the reason that, this Court has given direction to the Chief Executive Officers of respective Zilla Parishads to prepare a separate seniority list for the purpose of effecting transfers in compliance with the Government Resolution dated 07th April, 2021 and without going into the merits of the facts of that impugned order.

11. Writ Petitions are disposed of in aforesaid terms. There shall be no orders as to costs.

12. Parties to act on authenticate copy of this order.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE