

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO.4681 OF 2022

SHAIKH MOIZ SHAIKH MUSTAFA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. Sanjaykumar B. Bhosale
AGP for Respondents – State : Mr. S. B. Yawalkar
Advocate for Respondents no. 3 to 5 : Mr. Prashant R. Nangare

...

4 WRIT PETITION NO.4741 OF 2022

VINOD VISHWANATH BHOSALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. Sanjaykumar B. Bhosale
AGP for Respondents – State : Mr. S. B. Yawalkar
Advocate for Respondents no. 3 to 5 : Mr. S. S. Tope

...

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

DATE : 28-04-2022

PER COURT :-

1. By consent of parties both 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 intra-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 said seniority is not considered for the purpose of further transfers.

3. During the course of the argument the learned Additional Government Pleader invited our attention to the Government Resolution dated 7th 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 7th April, 2021, a separate seniority list is required to be prepared for intra-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 7th 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 intra-district transfers in terms of the Government Resolution dated 7th 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 intra-district transfers in terms of Government Resolution dated 7th April, 2021. The Chief Executive Officers of respective Zilla Parishads shall take appropriate decision on or before 17th May, 2022 after considering the representations made by each of these petitioners forming a part of their respective petitions.

8. 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 shall consider with the Government Resolution dated 7th April, 2021 only.

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

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

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

rrd