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

913 WRIT PETITION NO.5994 OF 2022
WITH CA/9408/2022 IN WP/5994/2022

**MANOJ CHANDRAKANT KHADGAVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH ITS
SECRETARY AND OTHERS**

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Mr S. G. Munde, Advocate for petitioners;
Mr S. P. Tiwari, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 28th June, 2022

PER COURT:

1. By this petition, the petitioners have put forth prayer clauses

(B) and (C) , which read as under :-

B) By issuing Writ of Mandamus or any other appropriate Writ, Order or directions in the like nature, the Respondents may kindly be ordered to give fresh postings to the petitioner on the vacant post which is available.

C) By issuing Writ of Mandamus or any other appropriate Writ, Order or directions in like nature, it may kindly be quash and set aside the impugned order dated 18/04/2022 issued by Divisional Commissioner (Revenue) Aurangabad.”

2. We have considered the extensive submissions of the

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learned Advocate for the petitioners. From the record, we find that a transferable teacher means one, who has completed 10 years of service in a district. The petitioners are presently posted at their locations vide the transfer orders dated 18/04/2018.

3. It is their grievance that their transfers, effected in 2018-19, are not as per the Judgment delivered by this Court at the Nagpur Bench, dated 22/02/2019, in Writ Petition No.4190/2019. They admit that, they were transferred by the orders in 2018-19 and they have completed only 4 years and have not completed 10 years. It is after completion of 10 years in a district, that they would be identified as transferable teachers. However, they submit that the guidelines prescribed by the Nagpur Bench have to be complied with, while reading the Government Resolution dated 27/02/2017.

4. The petitioners have been informed by the impugned communications dated 18/04/2022, that the transfers are now considered only through the on-line process. The Zilla Parishad does not have the jurisdiction to transfer any employee. Considering certain orders of this Court, dated 17/02/2021, in Writ Petition Nos.4100/2021 and 5581/2021, have been taken into

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account while considering the request of the petitioners. It is further explained that the petitioners in Writ Petition No.33/02/2022 are bifurcated into 2 Sections. Firstly, inter-districts transfers and secondly, intra-district transfers.

5. All these petitioners have already been transferred within the district of Latur on 21/06/2019 at the postings, which was one of the options indicated by them. They had put forth 20 options. In this backdrop, the petitioners contend vide Civil application No.9408/2022, that the Rural Development Department, State of Maharashtra has issued a Circular dated 10/06/2022, addressing the Chief Executive Officers of all the Zilla Parishads in Maharashtra. We find from the said communication, which is issued after these petitions have been filed, that the Rural Development Department has prepared a 'Model Computerized System' for dealing with inter-districts and intra-district transfers. Only if the High Court has issued directions with regard to the transfer of any employee, that such candidate would be considered in the light of the orders of the Court, by following the offline method. Barring such an exception, all the candidates have to participate through the offline process and the Department would consider the vacancies, the feasibility of inter-districts

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transfers, the reservation roaster and the vacancies likely to occur in the future and call upon the teachers, to issue their 'no objection'. The direction set out in the said Circular would be made applicable to all the teachers.

6. Considering the above, we do not find, that this is a fit case to exercise our discretion.

7. This petition is disposed off.

8. Needless to state, in the event the petitioners desire and are eligible to apply for reconsideration of their postings, made in 2019, they shall follow the guidelines set out in the Circular dated 10/06/2022, and the Competent Authority would consider such representation only after fulfilling the important condition of making on-line application and in the light of the Government Circular dated 07/07/2017 and the Government Resolution dated 27/02/2017.

9. Civil Application No.9408/2022 does not survive and the same stands disposed off.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)