

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7176 OF 2022

DILIP ONKARRAO BRAHMANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Advocate for the Petitioner : Shri Munde Sambhaji G.
AGP for Respondents 1 and 2 / State : Shri S.G. Sangle

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CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.

DATE :- 14th July, 2022

Per Court :-

1. The petitioner is before us setting forth prayer clause

B or C 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 as per the direction of this Hon’ble High Court.*

OR

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 posting order dated 26.06.2019 issued by Chief Executive Officer, Zilla Parishad, Aurangabad.”*

2. The petitioner has filed this petition on 23.06.2022 for challenging the order dated 26.06.2019 by which, he has already been granted the posting as an Assistant Teacher in a particular school at Aurangabad. He desires to challenge the said transfer order so as to seek posting of his choice in accordance with the scheme under the Government Resolution dated 27.02.2017. The petitioner concedes that a fresh Government Resolution has been issued on 07.04.2021. He, however, clarifies that the said Government Resolution is not applicable to him and he can be covered only by the earlier Government Resolution vide which he has been transferred by order dated 26.06.2019.

3. The learned advocate for the petitioner submits that as per the earlier Government Resolution, a person can be eligible to opt for transfer only after completing 05 years at a particular place. The petitioner is already posted at the Primary School, Banoti, Taluka Soygaon, District Aurangabad in 2019. He would be eligible for transfer by putting forth 20 options in general transfers to be carried out in April and May, 2024.

4. The learned AGP submits, by pointing out clause 5(ii) of the Government Resolution dated 28.05.2019, that the petitioner can put forth his grievance before the Chief Executive

Officer, Zilla Parishad, Aurangabad. Thereafter, the petitioner can approach the Divisional Commissioner or any authority with delegated powers, by preferring an appeal.

5. In view of the above, we are not inclined to entertain this petition and the same is dismissed with liberty to avail a remedy as is available under the Government Resolutions.

kps (ANIL L. PANSARE, J.) (RAVINDRA V. GHUGE, J.)