

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 WRIT PETITION NO.3868 OF 2023

CHANDRAKANT KESHAVRAO DAMEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Mr.S.K. Mathpati, Advocate for the Petitioners.
Mr.S.G. Karlekar, AGP for Respondent/State.
Mr.S.B. Pulkundwar, Advocate for Respondent Nos. 4 and 5
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th APRIL, 2023.**

PER COURT :-

1. The Petitioners have put forth prayer clauses A and B as
under :-

“A. To quashed and set aside the impugned schedule order dated 28.11.2019 declared by the Resp. No. 1, the same is subsequently modified by order dated 20.12.2022 by which transfer of intra district primary teachers schedule is fixed during 20.12.2022 to 18.02.2023 (which is mid-term transfer) by issuing writ of certiorari or mandamus or any other appropriate writ or order as the case may be.

B. To hold and declared that, three years' service criteria in current school will not be applicable to those teachers who falls in the special category teachers Part-1 by issuing writ of certiorari, mandamus or any other appropriate writ or order or as the case may be.

OR

To hold and declared that, G. R. dated 08.03.2019 passed by the Resp. No. 1 will not be applicable to those teachers who falls in the special category

teachers Part-1 by issuing writ of certiorari, mandamus or any other appropriate writ or order or as the case may be.”

2. In so far as prayer clauses “C” and “D” are concerned, we are not causing an indulgence to the extent that the Petitioners pray for cancellation of the entire intra district transfers of primary teachers for the academic year 2022-2023.

3. The Petitioners submit that they are upgraded Headmasters. They rely on two circulars, dated 21.02.2019 issued by the Rural Development Department pertaining to the Intra district transfers of the Zilla Parishad teachers pertaining to the special category part-1 and part-2, and dated 14.03.2023 pertaining to the formation of a committee to research as regards the reformation in the online transfer of Zilla Parishad teachers, mechanism.

4. Since the entire transfer policy effected on academic year to year basis may have culminated, in so far as the academic year 2022-2023 is concerned, we permit these petitioners to address their representations to the Chief Executive Officer, Zilla Parishad pointing the above stated two circulars dated 21.02.2019 and 14.03.2023. We have not expressed any view about the merits of the Petitioners’ claims. Let the Chief Executive Officer consider the same and arrive at an appropriate decision.

5. Needless to state, in the event the Petitioners are eligible for transfers, the same would be considered for the academic year in

which they may be held to be eligible.

6. With the above directions, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/