

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO.3995 OF 2023

VAISHALI SHARAD GHUGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...

AND

916 WRIT PETITION NO.4020 OF 2023

MEERA SHANKARRAO KANHERKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND

917 WRIT PETITION NO.4021 OF 2023

BALU VITHHAL SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND

918 WRIT PETITION NO.4023 OF 2023

MANGAL SAHEBRAO NARWADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND

919 WRIT PETITION NO.4025 OF 2023

SANJIVANI PUNJAJI GORDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND

920 WRIT PETITION NO.4031 OF 2023

MANGAL MADHAV MADHAVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND
921 WRIT PETITION NO.4032 OF 2023

SUREKHA RANGNATH PHAPALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND
922 WRIT PETITION NO.4034 OF 2023

ALKA ROHIDAS TATHE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

AND
923 WRIT PETITION NO.4226 OF 2023

ALKA VISHWNATH PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...

AND
924 WRIT PETITION NO.4230 OF 2023

KISHOR NATHURAM BIRHARI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

...

AND
WRIT PETITION NO.4405 OF 2023

SUCHITA LAXMAN SADARE AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....

AND
WRIT PETITION NO.4676 OF 2023

SURENDRAKUMAR LUNAJI JASUD
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

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AND
WRIT PETITION NO.4733 OF 2023

PRATIMA SARJERAO DHAMANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

.....

Advocate for Petitioners : Mr. B.S Shinde, Mr. P.R. Katneshwar, Mr.
A.S. Khedkar, A.P Ghute Patil R.S. Banik (in respective petitions)
AGP for Respondents: Mr. S.P. Tiwari, V.M. Kagne, Mr. S.K. Tambe,
Mr. S.G. Karlekar, Mr. P.S. Patil

Advocate for Respondent Nos. 3 & 4 (Wp No.3995/2023) : Mr. P.S. Patil
Advocate for Respondent Nos. 3 & 4 (Wp No.4226 and 4230/2023) : Mr.
S.R. Dheple

Advocate for Respondent- Z.P Ahmednagar : Mr. A.D. Aghav

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 21st APRIL, 2023.**

PER COURT :-

1. The Writ Petition Nos. 4405 of 2023, 4676 of 2023 and
4733 of 2023, are not on board. By consent of the parties, taken on
Board.

2. In all these Petitions, except Writ Petition Nos. 4021 of

2023, 4230 of 2023 and 4676 of 2023, all other Petitioners are ladies. In Writ Petition No. 4021 of 2023, out of 9 Petitioners, Petitioner Nos.1, 2, 3, 4 and 7 are males. These five Petitioners are 53+ in age. In Writ Petition No. 4230 of 2023, both the Petitioners are males who claim to be 53+ in age. In writ petition No. 4676 of 2023, the single male Petitioner, also claims to be 53+ in age.

3. There is no dispute that the Government Resolution dated 15.2.2018, prohibits transfer of ladies to the remote, extreme remote and difficult areas. By Government Resolution dated 7.4.2021, those male teachers, who are 53+ , are also protected from transfer to tribal, remote, very remote and difficult areas. Admittedly, all these lady Petitioners, as well as the 8 male Petitioners, are covered by these two Government Resolutions and cannot be transferred to hilly/difficult areas.

4. On these premises, all these Petitions deserve to be allowed. However, the learned advocates representing the respective Zilla Parishads, submit that since a special committee has been formed by each of the Zilla Parishads to look into the grievances of such Petitioners, the claim of all these Petitioners would be considered and a decision would be arrived at, on or before 10.05.2023.

5. In view of the above, though we were about to allow

these Petitions, at the request of the learned advocates for the Zilla Parishads, **these Petitions are disposed off** with directions to the respective Zilla Parishads to initiate remedial steps to ensure that the lady teachers, covered by the Government Resolution dated 15.02.2018 and the male teachers who are covered by the Government Resolution dated 7.4.2021, would not be transferred to the hilly region. In case of male teachers, the respective Zilla Parishads would enter into an age verification exercise to find out as to whether any of the teachers were less than 53, on the date of the issuance of the transfer orders. This exercise shall be completed on or before 10.05.2023.

6. In the event any application/representation has not been filed by any of these Petitioners, their Petitions may be treated as their applications.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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