



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6308 OF 2023

JYOTI SAMBHAJIRAO KENDRE

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

.....Respondents

Mr. I. D. Maniyar, Advocate for the Petitioner,
Mr. S. K. Tambe, AGP for the Respondents-State
Mr. S.R. Dheple, Advocate for Respondent No.2
Mr. C.D. Biradar, Advocate for Respondent No.3.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 12th December, 2023

ORDER:

1. The Petitioner is working in Palghar Zilla Parishad. She wants to be relieved from Palghar in order to be transferred to Aurangabad Zilla Parishad in the light of the transfer order dated 22.08.2022. She has not been relieved. Her husband was earlier working in Zilla Parishad, Jalna. He subsequently succeeded in getting transfer to Aurangabad. This Petition is for directions.

2. The learned Advocate representing the Zilla Parishad, Palghar points out an order dated 20th July, 2023 passed in PIL No.97 of 2023 (Nilish Bhagwan Sambre Vs. State of Maharashtra and others), at Bombay. The order indicates that the Respondent authority shall ensure that no teacher is relieved from the services of Zilla Parishad, Palghar

for being transferred out of Zilla Parishad, Palghar, unless such post is occupied by some other teacher. The learned Advocate for Zilla Parishad, Palghar further submits that the appointments of freshly selected candidates have been stayed by the orders of the Hon'ble Supreme Court.

3. In view of the above, **this Petition is disposed off** with liberty to Respondent No.2- Zilla Parishad, Palghar to find out as to whether any teacher is available or appointed in place of the present Petitioner, in the light of the observations of this Court in the above referred P.I.L. **(Nilish Bhagwan Sambre, Supra)**. If the said post is occupied by some other teacher, the Zilla Parishad, Palghar shall be at liberty to take an appropriate decision.

4. In the event, further orders are passed in PIL No. 97 of 2023 and the Petitioner's case can be considered, we grant liberty to the Petitioner to renew her request for implementation of the order of transfer dated 22.08.2022.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPCChavan