

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

917 WRIT PETITION NO.10925 OF 2023

**KISAN RUPAJI ADE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS**

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Mr. B. S. Shinde, Advocate for Petitioner
Mr. S. K. Tambe, AGP for Respondents State
Mr. S. R. Yadav Lonikar, Advocate for Respondent No.3
Mr. S. B. Ghute, Advocate for Respondent Nos. 4 and 5

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.
DATE : 6th September, 2023

ORDER:

1. This is one more case of a teacher who is not allowed to join duties since there is no vacancy with that Zilla Parishad where he has been transferred inter-district. There used to be such lack of coordination between Zilla Parishads and as a consequence of which the Government of Maharashtra introduced the GR dated 23 May, 2023 by which all the Zilla Parishads are connected Online and it is only after verification of available vacancies that the teachers are transferred from one District to another.

2. In the present case the Petitioner was fortunate in getting his employment back in Zilla Parishad, Parbhani after he returned from

Latur Zilla Parishad owing to no vacancy being available. Presently, he is peacefully working in the Parbhani Zilla Parishad.

3. The learned Advocate representing Latur Zilla Parishad was called upon to make statement as to whether there are any vacancies available. He tenders a copy of the data available with him by way of a chart which is marked as 'X-1' for identification and contends that, not only that the Latur Zilla Parishad does not have vacancy, there are 396 primary school teachers (Non Graduate), who are surplus as on 04.09.2023. The Petitioner is also a non graduate primary school teacher.

4. The learned Advocate for the Petitioner submits that an opportunity may be granted to him to approach the Chief Executive Officer, Zilla Parishad, Latur to demonstrate that there are vacancies available.

5. The leaned AGP submits that this Court need not venture into this exercise for the reason that now the Government has come with the scheme which is being implemented for inter district transfer and the process is operated online by connecting all the Zilla Parishads.

6. We find that the obstacle before the Petitioner is that, the 396 teachers at Latur will have to be first absorbed and only then the Petitioner's claim for inter district transfer to Latur could be considered.

7. The learned AGP points out the Government Resolution dated 2nd December, 2022 and more specifically Clause 8 enshrined there in which takes care of the mode of considering the applications of the teachers seeking inter district transfer. He further submits that the State Government had realized that earlier the transfers of inter district Zilla Parishads were practically unregulated and as a consequence of which, the teachers used to be relieved from their parent Zilla Parishad and at the time of reporting for duties in the new Zilla Parishad, they used to face the situation of “no vacancies” and used to remain in suspended animation.

8. The learned Advocate for the Petitioner submits that in the light of his past experience, he does not desire to suffer one more round of uncertainty. The Petitioner prays that his case may be considered as per the mode and procedure prescribed in the GR dated 2nd December, 2022 any other GRs as may be applicable so that there would be a certainty when he would leave Parbhani and join at Latur without any impediment.

9. In view of the above, **this Petition is disposed off.**

10. We direct that the Petitioner's case, depending upon his eligibility, shall be considered in the light of the GR dated 2nd December, 2022 and all such Resolutions/Circulars as may be applicable so as to have a smooth passage for transfer from Parbhani to Latur as and when he is found eligible.

11. For the sake of clarity, considering that the Petitioner was earlier transferred to Latur, it is only a question of the Latur Zilla Parishad confirming a vacancy in accordance with the rules and the law applicable, after which the Petitioner can be accommodated.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan