

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

901 WRIT PETITION NO.12238 OF 2019

**SHASHIKANT SUBHASH DESHMANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....

Mr S. S. Thombre, Advocate for petitioners;
Mr S. K. Tambe, A.G.P. for respondent No.1
Mr S. S. Dambe, Advocate for respondent No.2

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**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 5th January, 2023

PER COURT:

1. All these petitioners seek couple convenience inter-district transfers in the light of the Government Resolution dated 24/04/2017. Presently, all of them are working in the District Palghar and their wives/husbands are working in Talukas, like Ambejogai, Kaij and Ashti of Beed district. There is no dispute that the Government Resolution dated 24/04/2017 is applicable. By another Government Resolution dated 07/04/2021, certain modifications are carried out in the inter-district transfer policy.

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2. As on date, no 'No Objection Certificate' (NOC) is required from the parent Zilla Parishad or the Zilla Parishad, which is being opted for by the applicants. For better understanding, by way of an illustration, if a candidate from Palghar desires transfer to Beed, the 'No Objection Certificate' (NOC) from Beed Zilla Parishad was necessary. This is no longer required because, now the transfers are being effected via online applications after such Portal is opened, which is normally done in the month of May or as may be declared by the Competent Authority. The entire data of available vacancies and the applications setting forth various options, is available with the Government on its said Portal. Considering their seniority, the inter-district transfers are effected. As this entire data is available on the website, the practice of seeking 'NOC' from the Zilla Parishad, which has been opted for by an applicant, has been done away with.

3. In the above backdrop, the controversy in this case revolves around the applications made by all these petitioners. With the introduction of the "Teachers Transfer Management System" by the Government of Maharashtra, Rural Development Department, the Inter-District Teachers Transfer process is commenced by the concerned authorities. Undisputedly, all these petitioners have

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tendered their online applications. Since they were equipped with the 'NOCs' that were received long ago, their transfer category was shown to be 'NOC Transfer' category.

4. The learned Advocates representing the respective parties are in contradiction with regard to Clauses 8 and 8.1 of the Government Resolution dated 07/04/2021. This controversy is not addressed to the Court in this petition and we are not required to deliver any conclusion. Suffice it to say, that the petitioners have tendered their applications online, which have been received by the Authorities and this aspect is admitted in view of the documents (08 pages) tendered to the Court by the learned Advocate for the Zilla Parishad. The said documents are collectively marked as 'X-1' for identification. These documents would indicate that these petitioners have tendered online applications and they are already placed in the 'Transfer Category - NOC', which is still recognized under the Government Resolution dated 07/04/2021, as per the contention of the petitioners.

5. In view of the above, the issue would be, as to whether these petitioners can be transferred in the month of January, 2023

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to their respective choices, as set out in their online applications. The academic year is halfway through. The students, to whom these petitioners are imparting education, would be appearing for their examination in April 2023. It would be most inconvenient and inappropriate to sanction transfers of these petitioners at this stage, which would result in all these petitioners migrating from the Palghar Zilla Parishad to the Beed Zilla Parishad. We are, therefore, not inclined to issue such directions.

6. Taking into account all the above factors, we are of the view that the online applications filed by these petitioners from the 'NOC Transfer' category, would be considered by the Competent Authorities as and when the transfer program commences. We are told that, such transfer program would commence in the month of May-June 2023. Needless to state, the petitioners' applications, which have been on record with the Competent Authorities, listing them in the 'Transfer Category-NOC', would be considered in accordance with the applicable Government Resolutions while effecting the transfers during the transfer programme for the academic year 2023-2024.

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7. In the event, the NOCs obtained by the petitioners suffer any impediment or have been cancelled on account of such NOCs having been granted prior to the 2017, the online applications filed by the petitioners which are on record, would then be considered on their own merits, from the category in which the petitioners would legally fit into. The learned Advocate for the Zilla Parishad, submits on instructions that, the vacancies available with the Beed Zilla Parishad, are evident from the official website. As on date, there are about 228 vacancies in the Beed Zilla Parishad.

8. In the event, the petitioners are held eligible for transfer to Beed and such a decision is announced by the Competent Authority, the Palghar Zilla Parishad would adopt prompt steps as per the procedure laid down in law for relieving the petitioners.

9. In view of the above directions, this petition is disposed off.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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