

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13655 OF 2023

PUNAM RAHUL MALI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AN OTHERS

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Advocate for the Petitioners : Shri Shinde Balaji S.
AGP for Respondents 1 and 2/State : Shri P.K. Lakhotiya
Advocate for Respondents 3 and 4 : Shri P.S. Patil

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

DATE :- 01st November, 2023

Per Court :-

1. The Petitioners are lady teachers, who are working in hilly areas since 2018. By virtue of the Government Resolution dated 15.02.2018, they desire that they should be brought out of the said areas.
2. Heard the learned Advocates for the respective sides.
3. We had an occasion to deal with the Government Resolution dated 15.02.2018 in Writ Petition No.3995/2023 (*Vaishali Sharad Ghuge and others Vs. State of Maharashtra and others*) vide the order dated 21.04.2023. The relevant

observations in paragraph Nos.3 to 6, read as under :-

“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.”

4. In view of the above, **this Writ Petition is disposed off.** We direct the Chief Executive Officer, Zilla Parishad, Nandurbar, to deal with the representations of the Petitioners, as expeditiously as possible and pass an appropriate order in the light of the aforesaid order of this Court, dated 21.04.2023 in ***Vaishali (supra)*** and the Government Resolution dated 15.02.2018, within six weeks from today.

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)