

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 WRIT PETITION NO.1002 OF 2023

BHAUSAHEB LAKSHMAN THANGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

Advocate for Petitioners : Mr. Nileshsingh J. Patil
AGP for Respondents 1 to 3: Mr. V.M. Kagne

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 30th JANUARY, 2023.**

PER COURT :-

1. The petitioners have put forth prayer clauses "B" and "C" as under:-

"B. By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, direct the respondent no. 1 to effect the inter district transfers of the teachers as per the date of issuance of NOC by the concerned Zilla Parishad and not on the basis of seniority of the appointment of the teacher by setting aside the letter dated 10.6.2022 issued by the respondent no.2 and for that purpose issue necessary orders.

C. Pending, hearing and final disposal of this Writ Petition, direct the respondent no.1 to effect the inter district transfer of the teachers as per the date of issuance of NOC by the concerned Zilla Parishad and not on the basis of seniority of the appointment of the teacher by setting aside the letter dated 10.6.2022 issued by the respondent no.2 and for that purpose issue necessary

orders.”

2. The learned A.G.P. submits that the Government has introduced a policy by which such inter district transfers are to be regulated. Now the NOC is not required to be acquired from either of the Zilla Parishads.

3. We do not deem it appropriate to entertain this petition for the reason that when certain policies are to be introduced by the Government, in order to regulate the inter district transfers, it would be inappropriate for the High Court to interject in such matters and interfere in such transfers, which are in the realm of the Zilla Parishad, unless any arbitrary and capricious action is specifically assailed.

4. In the event the petitioners are aggrieved by any decision of the Zilla Parishad, they would be at liberty to avail of a remedy, as is permissible in law.

5. This petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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