

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2423 OF 2023

- 1) Manisha Chandrashekhar Dhole,
(maiden name Manisha Bapurao Raut),
Age - 41 years, Occu. - Assistant Teacher,
Zilla Parishad Primary School at
Tembursonda, Taluka Chikhaldara,
District Amravati.
- 2) Ranjana Annasaheb Guhe,
Age – 41 years, Occu. - Assistant Teacher,
Primary School, Mehearlam,
Taluka Chikhaldara, District Amravati.

.... **PETITIONERS**

// VERSUS //

- 1) State of Maharashtra,
through its Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai 400 032.
- 2) Zilla Parishad Amravati,
through its Chief Executive Officer,
Tq. & Dist. Amravati.
- 3) The Education Officer (Primary),
Zilla Parishad, Amravati,
Tq. & Dist. Amravati.

.... **RESPONDENTS**

Mr. R.S. Parsodkar, Advocate for petitioners.
Mrs. N.P. Mehta, Assistant Government Pleader for respondent
No.1.
Mr. M.M. Rathi, Advocate for respondent Nos.2 and 3.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ
DATED : MAY 02, 2023

ORAL JUDGMENT : (Per M.W. Chandwani, J.)

1. **Rule.** Rule made returnable forthwith. Ms. N.P. Mehta, learned Assistant Government Pleader waives service of notice for the respondent No.1 and Mr. M.M. Rathi, learned Counsel waives service of notice for the respondent Nos.2 and 3. Heard finally by consent of the learned Counsel appearing for the parties.

2. By the present petition, the petitioners challenge the denial of their transfer from difficult area to the non-difficult area. The petition is filed mainly on the ground that the petitioners who are ladies, they have not been transferred from difficult area to non-difficult area despite the fact that they have completed 15 to 17 years in difficult areas. The petitioners seek to rely on the order passed in Writ Petition No. 3672 of 2023 (*Vishwas S/o Yashwant Thakur and Others Vs. The State of Maharashtra and Others*) dated 13.04.2023, wherein the Division Bench of the Principal Seat of this Court has stated that effect of the transfer of the teachers cannot be made in the difficult areas on the premise that the teachers are ladies.

3. Heard learned Counsel for the petitioners as well as learned Counsel for the respondents.

4. It appears that Government Resolution dated 07.04.2021 by which Transfer Policy has been framed is a complete Code, wherein the mechanism has been provided to raise the grievance or to make a representation before a Committee consisting of Chief Officer vide Clause 5.10.1, and even against rejection of the representation an appeal has been provided under Clause 5.10.2. This Court has already decided various similar petitions and leading petition is Writ Petition No. 1560 of 2023 (*Liladhar Shamrao Pimpalshende and Others Vs. The State of Maharashtra and another*) decided on 11.04.2023. The petitioners therein have been relegated to the Grievance Committee under Clause 5.10.1 by the respondent No.2. We are of the opinion that the petitioners can approach the Committee provided under Clause 5.10.1 of the Transfer Policy to consider their grievances/irregularities raised by the petitioners and even the petitioners may also exercise option of appeal under Clause 5.10.2 of the Transfer Policy. Hence, the following order is passed :-

- (i) The petitioners shall approach the Committee constituted under the Clause 5.10.1 of the Transfer Policy to raise their grievances within a period of seven days from the date of this order.

- (ii) The Committee, on the receipt of representation/grievance of the petitioners, if so made within permitted time, shall decide the said representation/grievance as per the Transfer Policy.
 - (iii) Meanwhile, the petitioners shall not be relieved from their present positing till their grievances is decided by the Committee.
5. The Writ Petition is disposed of in the above terms.
6. Rule accordingly. No costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

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