

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

WRIT PETITION NO. 2882 OF 2023

- 1) Sau. Papita Sachitanand Panchariya,
Age - 51 years, Occu. - Service,
R/o. C/o. S.M. Panchariya, Gadge Nagar,
Amravati.
- 2) Ku. Jyotsna Madhukar Hirde,
Age – 45 years, Occu. - Service,
R/o. Near Hanuman Temple,
Gajanan Township No.2,
Amravati, Tq. & Dist. Amravati.
- 3) Ku. Jyoti Junjaramji Khatekar,
Age – 48 years, Occu. - Service,
R/o. C/o. Vilas Abhimanji Gawner,
Tirupati Nagar-1, Sainagar,
Amravati, Tq. & Dist. Amravati.
- 4) Sau. Vaishali Shridhar Dhakulkar,
Age – 52 years, Occu. - Service,
R/o. Rekha Colony, V.M.V. Road,
Amravati, Tq. & Dist. Amravati.
- 5) Ku. Pallavi Digambar Ninghot,
Age – 42 years, Occu. - Service,
R/o. C/o. Rajendra Laxmanrao Punase,
R/o. 4-Bhagodaya Colony, Dastur Nagar,
MIDC Road, Amravati, Tq. & Dist. Amravati.
- 6) Ku. Anjali Vasantrao Nakhale,
Age – 49 years, Occu. - Service,
R/o. Behind Rangoli Lawn, 28,
Siddhivinayak Nagar, Kathora road,
Amravati, Tq. & Dist. Amravati.
- 7) Rajesh Vasantrao Gajbhiye,
Age – 48 years, Occu. - Service,
R/o. Siddharth Krida Mandal,
Frezarpura, Amravati, Tq. & Dist. Amravati.

- 8) Sau. Ashwini Sachin Jagtap,
Age – 43 years, Occu. - Service,
R/o. C/o. Shri D.M. Jagtap,
Near Datta Mandir, Vinayak Ngar,
Amravati, Tq. & Dist. Amravati.
- 9) Shankar Vitthalrao Kawane,
Age – 52 years, Occu. - Service,
R/o. Parwati Nagar No.1, Line No.6,
Akoli Road, Amravati,
Tq. & Dist. Amravati.
- 10) Suresh Uddalsingh Thakur,
Age – 47 years, Occu.- Service,
R/o. Rashtrasant Shikshak Colony,
Rahatgaon Chowk, Amravati,
Tq. & Dist. Amravati.
- 11) Sau. Ranjana Sanjay Shende,
Age – 52 years, Occu.- Service,
R/o. 'Rakshanda' Nitinvihar,
Sai Nagar Parisar, Amravati,
Tq. & Dist. Amravati.
- 12) Sau. Usha Balasaheb Shekar,
Age – 49 years, Occu.- Service,
R/o. Uppar Wardha Colony,
Arjun Nagar, Amravati,
Tq. & Dist. Amravati.
- 13) Ku. Meena Ramcharan Thakur,
Age – 50 years, Occu.- Service,
R/o. Kiran Nagar No.1, Last Line,
Amravati, Tq. & Dist. Amravati.
- 14) Smt. Ujwala Sanjayrao Undapure
alias Ujwala Wamanrao Gulhane,
Age – 53 years, Occu.- Service,
R/o. C/o. Sanjayrao Gundapure,
Gulmohar Colony, Tq. Chandur Railway,
Dist. Amravati.
- 15) Sau. Manik Uday Kulkarni,
Age – 48 years, Occu.- Service,
R/o. Lalit Colony, Dastur Nagar,
Amravati, Tq. & Dist. Amravati.

- 16) Sau. Sulbha Sunil Wankhade,
Age – 51 years, Occu.- Service,
R/o. New Ganesh Colony,
Near Indrapuri School, Amravati,
Tq. & Dist. Amravati.

.... **PETITIONERS**

// **VERSUS** //

- 1) State of Maharashtra,
through its Secretary,
Gram Development Department,
25, Marzban Path, Bandhkam Bhavan,
Fort, Mumbai, Tq. & Dist. Mumbai.
- 2) Zilla Parishad Amravati,
through it's Chief Executive Officer,
Camp, Amravati, Tq. & Dist. Amravati.
- 3) Education Officer (Primary),
Zilla Parishad, Camp, Amravati,
Tq. & Dist. Amravati.

.... **RESPONDENTS**

Mr. P.S. Patil, Advocate for petitioners.
Mrs. N.P. Mehta, Assistant Government Pleader for respondent
No.1.
Mr. N.A. Gaikwad, Advocate h/f Mr. S.M. Bhangde, 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. N.A. Gaikwad, 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 inclusion of their names in the eligible list of the teachers for transfer in the difficult areas. The petition is filed mainly on two grounds. The names of the teachers, who are ladies, have been included to be transferred in the 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. Another ground which has been taken in this Writ Petition is that male teachers who were petitioners here, their cases have not been considered under the Special Teacher Category-II and they have not been given coupled benefit.

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 the 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, if so made within permitted time, shall decide the said representation/grievance of the petitioners as per the Transfer Policy.

(ii) 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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