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

904 WRIT PETITION NO. 9378 OF 2024

POPAT SHANKAR SURYAWANSHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

AND

905 WRIT PETITION NO. 9379 OF 2024

LAGANYA PANDU KUWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

....

Mr B. S. Shinde, Advocate for Petitioners in both Petitions
Mr S. K. Tambe, A.G.P. and Mr M. M. Nerlikar, Addl.G.P. for
Respondent Nos.1 & 2 in respective Petitions

Mr N. N. Desale, Advocate for Respondent Nos.3 & 4 in
WP/9378/2024

Mrs V. N. Patil Jadhav, Advocate for Respondent Nos.3 & 4 in
WP/9379/2024

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 30th August, 2024

PER COURT:

1. All these four Petitioners in these two Writ Petitions,
have been granted inter-district transfer by choice and they were

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transferred from the Nandurbar Zilla Parishad to the Dhule Zilla Parishad. All the Petitioners have joined at the place of their transfers. Having acquired inter-district transfer in view of their choice at Dhule Zilla Parishad, now these Petitioners desire that they should be given a choice posting as per the Government Resolution dated 23/07/2018, more specifically, Clause 4 (1) and Clause 4(7)(A)(ii), in their home town.

2. We have perused the inter-district transfer orders issued to these Petitioners, which indicate that they have been transferred to a place of their choice in the Shirpur Taluka. The category for the transfer is 'General-PESA'. All belong to the Scheduled Tribes Category. All claim to be natives of Sakri Taluka, in District Dhule.

3. In all these Petitions, they pray for a posting in Sakri Taluka, on the basis of their language, which is 'Kokni'. However, they admit that the medium of instructions in the School is Marathi and all the Subjects are taught in Marathi language. They also admit that, they are fluent in Marathi

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language. The examination is also conducted in Marathi language.

4. It is undisputed that, once such teacher is transferred, he or she is not eligible for a further transfer within three years and can be at one place for a period of six years. The Government Resolution dated 05/03/2015, only talks of the scheduled area. Clause 4(7)(A)(ii) of the Government Resolution dated 23/07/2018, pertains to the transfer of the candidates of the Sthanik (local) Scheduled Tribes category.

5. We do not find any specific provision in either of the two Government Resolutions, which could mandate that, a teacher teaching Marathi language in a Marathi medium School, should be given a transfer to a place based on his mother tongue and the native language, notwithstanding that, it is a Marathi medium School, having Marathi medium of instructions.

6. In view of the above, we are unable to accept the requests of these Petitioners that they should be transferred to a place depending upon their mother tongue, when they are all in

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PESA area, which is a requirement as per the aforesaid two Government Resolutions. That request of the Petitioner is fulfilled. If the Government comes out with a Resolution indicating choice posting based on mother tongue of the teachers, it would be a different consideration in the given situation.

7. **Both these Writ Petitions are, therefore, dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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