



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

WRIT PETITION NO. 10398 OF 2024

SOHEL ABDULRAHMAN INAMDAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...

AND

WRIT PETITION NO. 10424 OF 2024

MANGESH SADASHIVRAO KADAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...

Shri Vijay A. Dhakne, Advocate for the Petitioners.
Ms.Neha B. Kamble, AGP for Respondent No.1/State.
Shri S.R. Yadav Lonikar, Advocate for Respondent No.2/ZP.

...

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

DATE :- 24th September, 2024

Per Court :-

1. These Petitioners are heavily banking upon the Government Resolution dated 21.06.2023, more specifically clause 2 of the Government Resolution, which reads as under:-

"२) जिल्हाअंतर्गत बदलीसाठी जे शिक्षक पूर्वीपासून कार्यरत आहेत त्यांच्यापैकी बदली इच्छुक शिक्षकांना त्यांच्या विकल्पानुसार एक संधी

देऊन जागा रिक्त असल्यास समुपदेशनाव्दारे रिक्त पदी नियुक्ती देण्यात यावी. समुपदेशनापूर्वी संभाव्य भरण्यात येणारी नवीन पदे विचारात घ्यावी व शाळास्तरावर समान शिक्षक राहतील याची दक्षता घ्यावी.”

2. The learned Advocate for the Respondent/ Zilla Parishad submits that the said Government Resolution is aimed at assigning duties to newly selected teachers at a particular place and the procedure engrafted in the said Government Resolution is towards allotting the posting to such teachers.

3. The learned Advocate for the Respondent/ Zilla Parishad rightly submits that there is no end to having a desire in order to be defined as ‘Badali Icchhuk’ (Transfer Desiree). He submits that the Zilla Parishad has noticed that not a single teacher is satisfied with the place where he/she is transferred. Each one is busy in filing representations with the Zilla Parishad and each one desires to be transferred at the place of his/ her choice. These Petitioners have been transferred after considering their options/ choices in 2023. They are not happy. Hence, they became ‘Badali Icchhuk’.

4. In our view, the desire to be transferred at a specific place of choice, is unending. These teachers must learn to be stable at one place where they are transferred and discharge their noble duties of imparting education to the children, who are from the lowest strata of the society and studying in schools run by the Zilla Parishad in rural areas. The requirement of imparting education is more important than the desire to be transferred at a place of choice. Moreover, a teacher is not eligible for transfer, until he/she completes 3 years at one posting.

5. In view of the above, since the law requires that these Petitioners should complete their tenure at one place of transfer for at least three years and since they have put in only one year, we are not inclined to issue a Writ of Mandamus.

6. **Both these Writ Petitions are dismissed.**

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)