



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 WRIT PETITION NO. 455 OF 2024

SANJIVANI KIRAN NANDRE

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....Respondents

.....
Mr. Bolkar Yogesh B., Advocate for the Petitioner
Mr. S. K. Tambe, AGP for the Respondents-State
Mr. R. N. Jain, Advocate for Respondent Nos. 3 and 4.

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

DATE : 15th January, 2024

ORDER:

1. Heard the learned Advocate for the Petitioner and learned Advocate for Respondent Nos. 3 and 4.

2. It is stated by the learned Advocates that the order dated 30th August, 2023 passed by this Court in Writ Petition No. 10781/2023, would squarely apply to this case.

3. We had an occasion to deal with the Government Resolution dated 15/02/2018 in Writ Petition No.3995/2023 (Vaishali Sharad Ghuge and others Vs. State of Maharashtra and others) vide the order dated 21/04/2023. The relevant observations are in paragraph Nos.3 to 6, as under :-

“3. There is no dispute that the Government Resolution dated 15.2.2018, prohibits transfer of ladies to the remote, extreme remote and difficult areas. By Government Resolution dated 7.4.2021, those male teachers, who are 53+, are also protected from transfer to tribal, remote, very remote and difficult areas. Admittedly, all these lady Petitioners, as well as the 8 male Petitioners, are covered by these two Government Resolutions and cannot be transferred to hilly/difficult areas.

4. On these premises, all these Petitions deserve to be allowed. However, the learned advocates representing the respective Zilla Parishads, submit that since a special committee has been formed by each of the Zilla Parishads to look into the grievances of such Petitioners, the claim of all these Petitioners would be considered and a decision would be arrived at, on or before 10.05.2023.

5. In view of the above, though we were about to allow these Petitions, at the request of the learned advocates for the Zilla Parishads, these Petitions are disposed off with directions to the respective Zilla Parishads to initiate remedial steps to ensure that the lady teachers, covered by the Government Resolution dated 15.02.2018 and the male teachers who are covered by the Government Resolution dated 7.4.2021, would not be transferred to the hilly region. In case of male teachers, the respective Zilla Parishads would enter into an age verification exercise to find out as to

whether any of the teachers were less than 53, on the date of the issuance of the transfer orders. This exercise shall be completed on or before 10.05.2023.

6. In the event any application/representation has not been filed by any of these Petitioners, their Petitions may be treated as their applications.”

4. In view of the above, **this Writ Petition is disposed off.** We direct the Chief Executive Officer, Zilla Parishad, Nandurbar, to deal with the representation of the Petitioner, as expeditiously as possible and pass an appropriate order in the light of the aforesaid order of this Court, dated 21/04/2023 in Vaishali (supra) and the Government Resolution dated 15/02/2018, within six weeks from today.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan