

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10686 OF 2023

Shri Anil Vijay Lad

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Datta H. Pawar, for Petitioner.

Mr. Vikas Mali, AGP for Respondent Nos.1 & 2.

**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 11 JUNE 2024

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P.C.:

. The Petitioner, who is working as a teacher in the school of Respondent- Zilla Parishad, has challenged the order dated 12 July 2019 passed by the Chief Executive Officer, Zilla Parishad, Kolhapur transferring the Petitioner from Kolhapur to Gadhinglaj. After the order of the transfer, the Petitioner has joined the transferred post and is working.

2. Learned counsel for the Petitioner submits that the General Body of the Zilla Parishad had no power to transfer the Petitioner. This contention is not correct. The order of transfer is not issued by the General Body but the Chief Executive Officer. The General Body of Zilla Parishad has taken a policy decision on 4 June 2019. This policy has referred to Government Resolution dated 15 May

2014. It is further stated, since some of the teachers have served for more than 10 years service at one place, upon a debate in the house of Zilla Parishad, it was decided that there should be uniform policy and it was decided that those who have completed more than 5 years at one place, need to be transferred. Therefore, it is pursuant to this policy decision, the Chief Executive Officer has passed the order.

3. The scope of interference in the orders of transfer is limited. The impugned order of transfer is neither punitive nor *mala fide*. It is based on a policy decision. Even otherwise in July 2024, the Petitioner would complete 5 years in the place where he is posted. It is open to the Petitioner to apply/request for transfer as per the policy dated 4 June 2019, if the Petitioner is so desirous. Such application/request if made, it would be considered by the Zilla Parishad on its own merits

4. Writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)