

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6314 OF 2023

Nirmala Ananta Datir

... Petitioner

V/s.

State of Maharashtra through

Additional Chief Secretary & Ors.

... Respondents

Mr. Yashodeep Deshmukh a/w. Adv. Vaidehi Pradeep, Adv. Ameya
Tawade i/b. Mr. Vinod P. Sangvikar for Petitioner.

Mr. M. M. Pabale, AGP for Respondent No. 1-State.

Mr. S. Sakhare for the Respondent No. 2

Mr. Abhijit Devkhile for Respondent No.3.

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

DATED : 4TH JANUARY, 2024

P.C.:

1. The Petitioner who is working as Assistant Teacher in Zilla Parishad School under Zilla Parishad, Thane wants transfer to any Zilla Parishad school in the District, Ahmednagar. Such transfers of teacher from one Zilla Parishad to another are regulated by the Government Resolution dated 7th April, 2021. This Resolution referred to all earlier policies/resolutions and a comprehensive methodology is laid down in the said Government Resolution.

2. The Resolution states that as per Section 6(8) of the Maharashtra

Zilla Parishads District Services (Recruitment) Rules 1967, the competent authority for consideration of these Applications would be Chief Executive Officers of the Zilla Parishads. Thereafter, a method as to how the Applications are to be made, categories of those teachers who are eligible for transfer are specified. The Clause (17) of the Resolution states that the Application would not be entertained by the State Government. If there is any difficulty regarding the veracity of the documents to be submitted, such grievances can be looked by the Chief Executive Officers. As regards, the working of the scheme of inter-district transfers as per Clause (19) of the Government Resolution, the concerned Divisional Commissioner is empowered to examine the complaints and to take a decision within 30 days and the decision taken by the Divisional Commissioner is therefore final.

3. In this Petition the Zilla Parishad, Thane has placed certain factual position on record i.e. according to the Zilla Parishad, Ahmednagar there is no vacancy. These are all factual aspects for which as per the Government Resolution, Divisional Commissioner is an appropriate authority to examine and call for the records.

4. Therefore, we dispose of this Writ Petition by forwarding the copy of this Petition and the reply filed, as a complaint of the Petitioner to the Divisional Commissioner, Pune who as per clause (19) of the Government Resolution dated 7th April, 2021 will call for the

information from both the Zilla Parishads and pass a suitable order.

5. The Government Resolution has stipulated that the decision be taken within a period of 30 days. The Writ Petition is pending since April, 2023. Therefore, the Divisional Commissioner will consider this as mandate of the Court of taking a decision within 30 days.

6. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)