



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 112 OF 2023

Sau. Sandhya Vijay Gadbail

Vs.

State of Maharashtra, Through its Secretary of Rural Development
Department and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.S. Dhengale, Advocate for petitioner
Ms. T.H. Khan, AGP for Respondents /State
Mr. S.A. Mohta, Advocate for Respondent Nos.2 and 3

CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.

DATED : 16th FEBRUARY, 2024

The petition questions the order of transfer of the petitioner to village Kund, Tah. Dharni, in the School from Kekatpur in Amravati Panchyat Samiti on the ground that village Kund in terms of the Government Resolution dated 15/02/2018, was a difficult area and, therefore, it was not permissible for the lady Teachers, to be posted there. Reliance is also placed upon Government Resolution dated 07/04/2021, which indicates how a difficult area is to be determined. It is not in dispute, that earlier in point of time, village Kund was included in the difficult area, which position was modified by holding that it was a plain area by the communication dated 17/07/2018 (page 118). The petitioner, therefore, stood transferred by the order

dated 08/7/2019 (page 108) as indicated above from Kekatpur to Kund. Though the village Kund has again been declared as difficult area by virtue of the communication dated 07/03/2022, entry no. 164 (page 80), what remains to be considered, is whether the transfer of the petitioner was justified.

2. Though Mr. Dhengale, learned counsel for the petitioner contends, that the petitioner ought not to have been transferred considering being female candidate in Kund area, which according to him is difficult area, it equally remains a fact that on the date of transfer the position which was existing on record was that the village Kund was considered suitable for posting of lady Teachers. Mr. Mohta, learned counsel for the respondents has brought to our notice that even after the declaration of Kund as difficult area by the communication of 2022, lady Teachers are being posted at Kund, which is indicated by the joining report of one Smt. Vidya Praful Bijwe, who has joined at the school at Kund, Tah. Dharni on 23/5/2023. This would indicate that clearly because a village was declared as difficult area that would alone not be a reason for not posting female Teachers to teach in such schools as the joining report dated 23/5/2023 indicates that the people are willing to do so. As a Teacher, it is expected that the person would rise above personal difficulties and inconveniences and take into consideration the benefit of the students, who are to be imparted education. In the present case, what is material to note is, that inspite of

the order dated 08/7/2019 (page 108), the petitioner till date, has chosen not to join at her place of transfer, which is more than a period of 5 years, which speaks in itself. This would clearly indicate that the petitioner is not interested in the services for which she is employed, but rather on the contrary about her own conveniences. It is, therefore, apparent that no reasons are made out for us to interfere in the order of transfer, which is moreso for the reason that it is an incidence of employment which every person is aware of on the date when such person takes employment and specifically so in a position when one is engaged to impart education to children. The petition is therefore, dismissed. No costs.

(SMT. M.S.JAWALKAR J.)

(AVINASH G. GHAROTE, J.)