



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO. 4902 OF 2025

SUDHIR NARAYAN JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Nagargoje Ankush Nivrutti

AGP for Respondent nos. 1 to 3 : Mr. M.M. Nerlikar

Advocate for Respondent no. 4 & 5: Mr. Suhas R. Shirsat

...

6 WRIT PETITION NO. 4904 OF 2025

MAHESH RAMCHANDRA BHALERAO AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Nagargoje Ankush Nivrutti

AGP for Respondent nos. 1 to 3 : Mrs. P.J. Bharad

Advocate for Respondent nos. 4 and 5 : Mr. Suhas R. Shirsat

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 09.04.2025

PER COURT :

Heard.

2. Issue notice. The learned A.G.P waives service for respondent nos. 1 to 3. The learned advocate Mr. Shirsat waives service for respondent nos. 4 and 5.

3. The petitioners having acquired requisite qualification to teach Mathematics and Science subjects, are now seeking transfer to a suitable place in the wake of the fact that out of 603 sanctioned posts for secondary teachers, only 161 have been filled in and there are 442 vacancies.

4. Considering the fact that the petitioners have acquired requisite

qualification and can be conveniently transferred irrespective of the other requirements of the policy, their representations for changing the subjects for imparting education, are pending with respondent no. 4.

5. In similar matters, in respect of same Zilla Parishad, the individual claims have been considered and directions have been issued for consideration of their request on their own merits.

6. However, the learned advocate for respondent nos. 4 and 5 submits that it is a matter of man management and merely because there are number of vacancies, not everyone who is eligible to teach maths and science, can be accommodated. The administration has to see to it that all the schools are sufficiently manned by the teaching staff. Individual rights alone cannot be the consideration in such matters. Simultaneously, feasibility, propriety and requirement/need have to be considered. Even if the petitioners are now eligible for change in the subject, they do not have any inherent right to seek transfer. He submits that considering the geographical spread of the district and number of schools, respondent no. 4 would need sufficient time to consider individual proposals and to take appropriate decision, which may or may not happen during the current annual general transfer process. He submits that considering all these variables, sufficient time may be granted.

7. Indeed, if it is a matter of running of hundreds of schools manned by thousand of teachers, mere right of an individual teacher to seek change in the subject cannot be considered in isolation but will have to be considered in conjunction with the need of the administration to see to it that all the schools are functioning properly with bare minimum eligible teachers to teach the subject.

8. In the light of above, we dispose of the writ petitions directing respondent no. 4, to consider the cases of each of these petitioners regarding change in the subjects on their own merits and shall take appropriate

decision for their accommodation at an appropriate place, irrespective of the fact whether this can happen during the annual general transfer process. In an appropriate case he may, even thereafter, consider if they (any of them) needs to be transferred. Any such decision shall be taken, in any case, within six weeks.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-