



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5117 OF 2025

Imam Bagan Shaikh,
Age : 36 years, Occu. : Service,
R/o. Mu. Pst. Ranisawargaon
Tq. Gangakhed, Dist. Parbhani and others .. Petitioners

Versus

The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State, Mumbai and others .. Respondents

**AND
WRIT PETITION NO. 5122 OF 2025**

Dattatrya Shivaji Yadav,
Age : 37 years, Occu. : Service,
R/o. Shiv Parvati, New Barshi Road,
Latur, Tq. & Dist. Latur and others .. Petitioners

Versus

The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State, Mumbai and others .. Respondents

**AND
WRIT PETITION NO. 5134 OF 2025**

Angad Rukamaji Bahane,
Age : 39 years, Occu. : Service,
R/o. Ho. No. B/128/1/D/2,
Patil Nagar, Basmath
Dist. Hingoli, Maharashtra and others .. Petitioners

Versus

The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State, Mumbai and others .. Respondents

**AND
WRIT PETITION NO. 5149 OF 2025**

Asha Jayram Khade,
Age: 39 years, Occu. : Service,
R/o. Khadekwadi, Nirgudi,
Tq. & Dist. Beed, Maharashtra and others .. Petitioners

Versus

The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State, Mumbai and others .. Respondents

...
Advocate for the petitioner in all WPs : Mr. Mayur V. Salunke i/by
Salunke Legal LLP Associates and Consultants
Addl.GP for the respondent – State : Mr. M.M. Nerlikar
Advocate for respondent – Zilla Parishad, Hingoli : Mr. S.B. Ghute
Advocate for respondent – Zilla Parishad, Nanded : Mr. S.B. Pulkundwar
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 23 APRIL 2025

ORDER (MANGESH S. PATIL, J.) :

Heard learned advocate Mr. Salunke for the petitioners as also the learned AGP.

2. The petitioners are serving as teachers in schools being run by the Zilla Parishad, Parbhani. Their spouses are also in the same employment. They have availed the benefit of couple union scheme and are posted either at the same place or at the places which are within 30 Km of radius from each other.

3. The learned advocate submits that superseding all the earlier policies, the Rural Development Department of the government of Maharashtra, has issued a government resolution dated 18.06.2024 laying down the modalities for effecting transfers of the teachers. Clause no. 1.9 deals with special category of teachers part – 1, which includes the couples which at present, are posted at the places more than 30 Km apart and are regarded as available to derive the benefit of such couple union scheme. He would submit that it is only such of the employees who are currently posted more than 30 Km apart, are being treated specially in clause no. 4.1 and are to be treated as available for being transferred at the places within 30 Km of radius.

4. He submits that all the petitioners who are also seeking a similar benefit of the same scheme, are being discriminated only on the ground that their current posting is within 30 Km radius from each other. He would take us through various clauses of government resolution dated 18.06.2024 and would submit that such special teachers part – 1 are made available a different form to fill in, for effecting transfers through computerized programmed portal but it has not been made available to the petitioners who can now merely submit and upload their profile under general category and would be deprived of a similar benefit, as is available to the special category teachers part – 1.

5. Learned AGP Mr. Nerlikar would submit that the apprehension of the petitioners is ill-founded. There is no substance in the allegations about discrimination. The petitioners do not stand on the same pedestal as the special category teachers part – 1. They constitute a separate class inasmuch as currently. In spite of there being in existence a benevolent policy in the form of couple union scheme, they have been deprived of the benefit and have been posted at the places which are more than 30 Km apart. They have already suffered and in order to extend the benefit now, they are being apparently treated differently from the petitioners who unlike those other teachers of special category part – 1, are conveniently placed and posted in accordance with that scheme within the radius of 30 Kms. He would submit that these are two different classes and the purpose and object for providing the benefit of couple union scheme is sought to be achieved by apparently separating these two classes as the one which has already derived the benefit and those who are deprived of such a benefit.

6. Incidentally, Mr. Nerlikar would also submit that perusal of the entire government resolution dated 18.06.2024 would demonstrate that it is not the object and there is nothing to demonstrate that the petitioners would not be treated as eligible and entitled to the very

couple union scheme. There is nothing in this government resolution to demonstrate that the scheme would not be applicable to them. Even if they are transferred at different places which are more than 30 Km apart, they can place their representations and seek to derive the benefit of that scheme.

7. Mr. Nerlikar submits that it is a matter of effecting general transfer of the teachers throughout the district. It is a matter of man management. There are circumstances and exigencies which have to be met and the petitioners all the while cannot be posted at the same place or within the radius of 30 Kms. It is a matter of implementation of a scheme and if at all someone is unable to derive the benefit, can always approach the authorities claiming the benefit. There is no cause of action and petitioners are approaching merely on the basis of apprehension.

8. Having considered the rival submissions and having perused the papers, one thing needs to be emphasized that this Court while exercising jurisdiction under Article 226 of the Constitution of India has to be loath in causing interference in matters of transfers of the employees, particularly in causing interference in the guidelines which are sought to be laid down for bringing in transparency and fairness in the matter of transfers.

9. With this rider, if one examines the fact situation of the matter in hand, admittedly, the petitioners have already derived the benefit of couple union scheme and are happily posted for last few years at the places which are within the radius of 30 Km from one another. As against this, apparently, there are many other employees who could not derive this benefit and have been posted at the places more than 30 Km apart.

10. If one bears in mind this state-of-affairs, in our considered view, clause no. 1.9 read with clause 4.3 merely seek to achieve some parity between the teachers like the petitioners who have already derived the benefit of the scheme and those who could not do so. All these clauses are merely aimed at extending the benefit to such class who have been deprived of the benefit of the couple union scheme. It is apparent that the object sought to be achieved by incorporating clause 1.9 and clause 4.3 is to extend such treatment to such class of the teachers who are deprived of the benefit of that scheme.

11. The petitioners who are happily placed, even now cannot seek to have a similar consideration. If the basic policy, which the learned advocate for the petitioners, fairly admits, continues to accommodate the teachers in accordance with the couple union scheme, having already derived the benefit of the scheme, it would not lie in the mouth of the petitioners to make a grievance if some other

teachers who are not before us, are now being sought to be extended that benefit.

12. Apart from the fact that it is a matter of policy, which would be applicable across the cadre, merely because the petitioners feel aggrieved by some clauses of the policy, they cannot be heard in a lopsided manner behind the back of the other employees, who would be the beneficiaries of such changed policy and are not before us.

13. Besides, admittedly, the petitioners are still to be transferred. They would have some cause to agitate if and when they are posted at places beyond 30 Km radius from each other. From this angle, there is no immediate cause of action and the petitions are apparently premature.

14. In the light of above, for more than one reasons, the petitions do not deserve any consideration on merits. Those are dismissed.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/