



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5206 OF 2025

- 1) Manjaji Umarao Nawale
- 2) Suresh Gangadhar Bende
- 3) Kailas Sopanrao Chavan
- 4) Krushna Laxmanrao Gadhave
- 5) Sachin Shriniwasrao Deshmukh
- 6) Amrapali Anant Tenkale
- 7) Sagar Dnyanba Rothe
- 8) Gajanan Gyanbarao Ingole
- 9) Datta Motiram Kanchangire
- 10) Santosh Bhagwanrao Shinde
- 11) Balaji Punjajirao Ambhore
- 12) Angad Rukamaji Bahane
- 13) Dipke Dayananad Vishwanath
- 14) Gajanan Balaji Siddhewar
- 15) Phulari Sanjivani Narshingrao
- 16) Mohammed Baba Mohiuddin ... Petitioners

Versus

- 1) The State Of Maharashtra
Through The Secretary
Rural Development Department
Maharashtra State Mantralaya,
Mumbai – 32 and Others. ... Respondents

WITH
CIVIL APPLICATION NO. 5275 OF 2025
IN
WRIT PETITION NO. 5206 OF 2025

Dnyaneshwar s/o Balasaheb Sonawane and Others

Versus

The State of Maharashtra through the Secretary and Others

WITH
CIVIL APPLICATION NO. 5276 OF 2025
IN
WRIT PETITION NO. 5206 OF 2025

Sharda Devilal Joshi and Others

Versus

The State of Maharashtra through the Secretary and Others

...
AND
WRIT PETITION NO. 5667 OF 2025

1. Vishnudas Vajjnath Shinde
2. Poonam Laxmanrao Rabbewar
3. Shaikh Moujam Abdul
4. Bharati Madhukar Shankar
5. Shivaji Balasaheb Kadam
6. Shridevi Subhash Terkar
7. Anita Balasaheb Mugatkar
8. Rohini Dharmaraj Chilkewar
9. Bhagwat Dnyanoba Palmate
10. Sangita Shivaji Shivbhagat
11. Mangesh Balasaheb Kate
12. Sandhya Arunrao Jadhav

... Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai – 32 and others

... Respondents

...
AND
WRIT PETITION NO. 5208 OF 2025

1. Karhale Dnyaneshwar Laxmanrao
2. Dabhade Parmeshwar Jankiram
3. Jadhav Parshuram Naryan
4. Fund Anant Mukundrao
5. Wadgaonkar Yograj Balasaheb
6. Davne Arvind Nagorao
7. Bansare Kiran Manchakrao
8. Puri Manoj Vishwanathrao
9. Gaikwad Ashok Vishnu
10. Mane Shankar Rustum
11. Ghule Pravin Eknathrao
12. Salmothe Kashinath Rambhau
13. Kuyrewar Dattatray Narhari
14. Galande Hanuman Raghoji

15. Parsewar Pritam Anantrao
16. Mali Vijay Dnyanoba
17. Patil Sonali Kamlakar
18. Pudgane Suvarna Manohar
19. Karhale Devrao Bankatrao
20. Abuj Datta Kundlikrao
21. Dhage Bhamha Sadashiv
22. Kakade Sanjay Laxman
23. Kadam Chandrakant Kerba
24. Katkade Raghunath Shivaji
25. Jawade Suresh Dnyanoba
26. Bhosle Tryambak Kishanrao
27. Misal Gajanan Haraji
28. Panchal Raju Gangadharrao
29. Horgule Manik Sundarrao
30. Rathod Prakash Shankarrao
31. Pate Angad Sundarrao
32. Khakre Nitin Vitthalrao
33. Gore Gorakhnath Tulshiram
34. Dombé Vishnu Balasaheb
35. Dhumal Shrutika Santilal

... Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai – 32 and others

... Respondents

...
AND

WRIT PETITION NO. 5207 OF 2025

1. Subhash Narayanrao Kadam
2. Balasaheb Pandurang Mustapure
3. Pratibha Prabhakar Bhosle
4. Ravi Manikrao Lohat
5. Varsha Balasaheb Maske
6. Nagesh Subhashrao Patharkar
7. Vaishali Shivling Kalshetti
8. Vijay Nagorao Jalhare
9. Manisha Bhaurao Raut

10. Tukaram Sopanrao Harkal
11. Jyoti Prabhakar Bhagwat
12. Dnyaneshwar Vishnu Waghmare
13. Vinod Chandrakant Kshetrapale

... Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai – 32 and others

... Respondents

...
AND

WRIT PETITION NO. 5131 OF 2025

1. Pathare Mahesh Dattatraya
2. Bansode Balasaheb Dattatray
3. Gangarde Pravin Kailas
4. Desai Rameshwar Bhagawan
5. Bharti Vandana Prakash
6. Daund Ganesh Laxman
7. Dudhal Navnath Shivaji
8. Kedar Rohini Ashok
9. Katkhade Dnyaneshwar Sarjerao
10. Shinde Shital Murlidhar
11. Salunke Sandeep Navnath
12. Gayke Babasaheb Tukaram
13. Pokale Shital Mahadev
14. Bokare Nitin Bhaskar
15. Chaure Prasad Prabhakar
16. Waghire Kailas Dnyanobarao
17. Maske Sandip Bapurao
18. Khade Rameshwar Rajabhau
19. Waghmare Atul Laxmanro
20. Mule Ashwini Balasaheb
21. Pawar Rakesh Suniul
22. Ghorad Baburao Ramnarayan
23. Sanap Rajendra Babasaheb
24. Fasale Nitin Limbajirao
25. Naiknawre Vijaymala Baliram
26. Thorve Shushen Appasaheb

27. Gaikwad Rahul Gundiram
28. Shinde Ganesh Marotirao
29. Gormali Hanumant Mahadev
30. Giri Nana Baliram
31. Dake Digambar Limbajirao
32. Aradle Surekha Nivartti
33. Gore Balasaheb Bhiva
34. Dasud Ramabai Arvind
35. Male Manisha Shivraj
36. Shaikh Javed Malik
37. Andil Geetatai Jivraj

... Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai – 32 and others

... Respondents

...
AND

WRIT PETITION NO. 5106 OF 2025

1. Mahesh Satuba Doifode
2. Umesh Vishnu Kakade
3. Prashant Vikram Shelke
4. Rajendra Bhimaji Chaudhari
5. Kavita Maruti Dhakane
6. Ganesh Ramchandra Kambale
7. Nilesh Ratnakar Varade
8. Shrinivas Bhumiraj Ellaram
9. Ravindra Somanath Supare
10. Anita Shivaji Aher
11. Arun Bhikaji Kasar
12. Smita Raosaheb Pawar
13. Suvarna Bhagwat Jadhav
14. Meenakshi Madhav Wakchaure
15. Swati Prakash Darvade
16. Rupali Bharat Deshmukh
17. Ashwini Sampat Pawar
18. Narayan Rajaram Kawade

... Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai – 32 and others

... Respondents

...

AND

WRIT PETITION NO. 5303 OF 2025

1. Bhausaheb S/o Shivajirao Mundhe
2. Mahesh S/o Manohar Biradar
3. Sanjay S/o Yallappa Dandagole
4. Mansing S/o Manikrao Hande
5. Nabilal S/o Jilani Mujawar
6. Manoj S/o Kashinath Pawar
7. Somnath S/o Parbat Gadakh
8. Manik S/o Madhav Murkute
9. Santosh S/o Tukaram Kadam
10. Sonali S/o Nivrutti Nathe

... Petitioners

Versus

The State of Maharashtra
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya,
Mumbai – 32 and others

... Respondents

...

AND

WRIT PETITION NO. 5848 OF 2025

- 1) Mangal Babarao Sonkamble
- 2) Avinash Balasaheb Eklare
- 3) Gaikwad Pramod Ganpatrao
- 4) Badgire Bhagwat Surykant
- 5) Auradwale Sattarpasha Rasulab
- 6) Suryawanshi Angad Nagorao
- 7) Telange Gajanan Shankarrao

- 8) Savane Anagha Dilipkumar
- 9) Kaulwar Hanmant Mallu
- 10) Karkile Govind Vyankatrao
- 11) Waghe Santosh Yeshwant
- 12) Madde Balaji Govindrao
- 13) Dhage Balaji Baliram
- 14) Panchal Dilip Rajeshwar
- 15) Panchal Varsha Shrimant
- 16) Chintewar Priyanka Santram
- 17) Sheikh Shabnam Bandenawaj ... Petitioners

VERSUS

- 1) The State of Maharashtra,
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya
Mumbai-32 and others ... Respondents

...

AND

WRIT PETITION NO. 5847 OF 2025

- 1) Mahesh Uttamrao More
- 2) Vilas Dattatraya Gurme
- 3) Swati Vasantrao Chidrewar
- 4) Ram Venketrao Kadam
- 5) Vitthal Baburao Kurmude
- 6) Sangeeta Namdev Jatal
- 7) Asha Ram Munde
- 8) Kusum Sopan Bombade ... Petitioners

VERSUS

- 1) The State of Maharashtra,
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya
Mumbai-32
and others ... Respondents.

...

...
AND
WRIT PETITION NO.5669 OF 2025

- 1) Anil Eknath Tekane
- 2) Dipak Nivrutti Jadhav
- 3) Satish Appa Kauthlae
- 4) Ashvini Bhanudas Kadam
- 5) Pratiksha Machhindranath Pagar
- 6) Balu Zumbar Khade
- 7) Gaikwad Rajendra Dadasaheb
- 8) Bhagwanta Sakharam Sabale
- 9) Jyoti Lahanu Ghule
- 10) Kawade Pankaj Kisan
- 11) Shete Sujata Sitaram
- 12) Hase Shobha Ramji
- 13) Sujata Subhash Katore
- 14) Sandip Dnyandeo Pawase
- 15) Ravindra Madhukar Chavan ... Petitioners

VERSUS

- 1) The State of Maharashtra,
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya
Mumbai-32
and others ... Respondents

...
WRIT PETITION NO.5668 OF 2025

- 1) Ravikant Govindrao Bhise
- 2) Shivaji Prabhu Chikhale
- 3) Nitin Shamrao Ghute
- 4) Mali Shriram Vitthal
- 5) Patil Shubhada Vijaysingh
- 6) Mali Pratap Bharat
- 7) Somvanshi Kamlakar Vasant
- 8) Mane Anil Pralhad
- 9) Chunge Santosh Babasaheb
- 10) Dixit Ramakant Jagannath
- 11) Havade Balaji Shivaji ... Petitioners

VERSUS

- 1) The State of Maharashtra,
Through the Secretary
Rural Development Department,
Maharashtra State, Mantralaya
Mumbai-32 and others ... Respondents.

...

- **Mr. P. R. Katneshwarkar**, *Senior Advocate i/by Mr. Balaji S. Shinde, Advocate for the Petitioners*
- **Mr. Avinash Aghav**, *Advocate for the Petitioner in Writ Petition No. 5303 of 2025*
- **Mr. Mukesh K. Goyanka**, *AGP for Respondent/s-State in all Writ Petitions*
- **Mr. S. B. Ghute**, *Advocate for Zilla Parishad, Hingoli*
- **Ms. Manjushri Narwade**, *Advocate for Zilla Parishad, Ahilyanagar*
- **Mr. Suhas R. Shirsat**, *Advocate for Zilla Parishad, Beed*
- **Mr. Akshay S. Radikar**, *Advocate for Zilla Parishad, Parbhani*
- **Mr. S. B. Ghute**, *Advocate for Zilla Parishads – Latur & Osmanabad in Writ Petition No. 5303 of 2025 and Writ Petition No. 5847 of 2025*
- **Ms. Yogita Thorat**, *Advocate for Zilla Parishad, Nanded*

...

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

RESERVED ON : 05.05.2025

PRONOUNCED ON : 09.05.2025

ORDER (MANGESH S. PATIL, J.) :

. Heard learned senior advocate Mr. Katneshwarkar for the petitioners. Learned advocate Mr. Aghav who appears for the petitioner in Writ Petition No. 5303 of 2025. Learned AGP

Mr. Goyanka for the State in all the matters and learned advocates for the respective Zilla Parishads namely Hingoli, Ahilyanagar, Beed Parbhani, Latur, Osmanabad and Nanded.

2. A common issue that arises in all these writ petitions is, as to whether after their mutual transfer inter-district from one Zilla Parishad to another Zilla Parishad, pursuant to Rule 6(8)(ii) of the Maharashtra Zilla Parishad Service District (Recruitment) Rules, 1967 and their seniority in the transferee Zilla Parishad is fixed accordingly, the same has to be considered for deciding seniority in the transferee Zilla Parishad, in the matter of consideration for the purpose of intra-district transfer.

3. After hearing both the sides, it transpires that the same issue was addressed to the Court previously on numerous occasions, in the matter of *Satish Shahadeo Gawade and Others V/s. The State of Maharashtra and Others; Writ Petition No. 102 of 2020* and connected matters decided on 21.04.2022 at the Aurangabad Bench, *Dilip Ramdas Shinde and Others V/s. The State of Maharashtra and Others; Writ Petition No. 6896 of 2022* and connected matters, on 12.07.2022, *Somnath Bhausaheb Pimpale and Others V/s. The State of Maharashtra and Others; Writ Petition No. 9368 of 2022* and connected Writ Petition No. 10374 of 2022 in which the order was passed on 11.10.2022 and similar *ad interim* order was passed in

Writ Petition No. 9368 of 2022 on 21.09.2022. The division bench in the matter of ***Satish Shahadeo Gawade (Supra)*** not only decided the issue with whatever reasons, the division bench in the matter of ***Dilip Ramdas Shinde (Supra)*** by specifically referring to the decision in the matter of ***Satish Shahadeo Gawade (Supra)***, disposed of, ***Ashok Kisanrao Dolas and Others V/s. State of Maharashtra and Others in Writ Petition No. 6391 of 2022***, on 01.07.2022 with following order:-

5. *In the light of the above, these petitions are disposed off, with a direction to the Zilla Parishads, to consider the cases of these petitioners in the light of their representations, if such representations have not yet been decided and are still pending. We clarify that, if representations have already been responded to, by the Zilla Parishads, repeated representation need not be considered repeatedly. As such, those representations of these petitioners, which have been filed for the first time and no other representations were filed by them earlier, the Zilla Parishads would rely on the Government Resolution dated 07/04/2021 and initiate appropriate steps for preparation of the seniority list of all such similarly situated employees.*

4. In spite of such orders, the State has persisted with the same stand. The affidavit-in-reply filed in Writ Petition No. 5206 of 2025 and in several other writ petitions it has maintained the stand, *inter alia*, mentioning that the seniority under Rule 6(8)(ii) of the Rules of 1967 is merely meant to fix the seniority after a person is transferred from one Zilla Parishad to another Zilla Parishad, in order to extend the service benefits. It is the stand of the State that this has

nothing to do with the seniority of such candidates for the purpose of effecting transfers intra-district that is within the district for which invariably a person has to put in minimum of five years in the same school for being even eligible to be transferred. It is the stand in the affidavit-in-reply that question of intra-district transfer is not covered by the Rules of 1967 but is being erroneously resorted to, to claim seniority even for the purpose of effecting transfer, the purpose and reason for which is altogether different.

5. We are afraid, the propriety demands that we maintain judicial discipline. When the co-ordinate division benches expressly referring to Clause No. 4.5.1 of the Government Resolution dated 07.04.2021 have taken consistent views in favour of such employees who have been transferred inter district mutually, we shall follow the same same course. It appears that a clarification was sought from the State Government by Zilla Parishad, Jalna and by the reply dated 25.07.2022 (**Exhibit – ‘D’**) in Writ Petition No. 5206 of 2025, the State has again repeated the stand of interpreting Clause No. 4.5.1 of the Government Resolution dated 07.04.2021 being applicable only in support of such employees who have been serving with the current Zilla Parishad and not in respect of the candidates who have been transferred inter-district.

6. In view of above, all the Writ Petitions are allowed in terms of prayer clauses 'B', which reads as under:-

[B] By issuing appropriate writ, order or directions in the like nature, kindly direct the respondents to make necessary correction Online teachers Transfer Management system as per date of mutual transfer seniority dates as per Rule 6(8)(2) of Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967 about current district joining date and to consider the petitioners for intr-district transfer.

Additionally, the impugned letter issued by Dy. Secretary, dated 28.03.2025 communicated the directions pursuant to the meeting dated 17.03.2025 and the different communications of the Education Officers of respective Zilla Parishads refusing to consider the date of seniority, according to Rule 6(8)(ii) are quashed and set aside.

7. Pending Civil Applications are disposed of.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/