



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 7942 OF 2025

Sangita Mhasu Gunjal And Others
VERSUS
The State Of Maharashtra And Others
WITH
WRIT PETITION NO. 6935 OF 2025

Sharad Baburao Gawade And Others
VERSUS
The State Of Maharashtra Through Its Secretary And Others
WITH
WRIT PETITION NO. 6475 OF 2025

Mahendra Babu Wanjari And Others
VERSUS
The State Of Maharashtra Through Its Secretary And Others
WITH
WRIT PETITION NO. 5676 OF 2025

Rajaram Bhagu Rathod And Others
VERSUS
The State Of Maharashtra Through Its Secretary And Others
WITH
WRIT PETITION NO. 5961 OF 2025

Sunita Nanasaheb Dhole
VERSUS
The State Of Maharashtra Through Its Secretary And Others
WITH
WRIT PETITION NO. 6763 OF 2025

Kiran Mohan Agrawal
VERSUS
The State Of Maharashtra Through Secretary And Others
WITH
WRIT PETITION NO. 7236 OF 2025

Surekha Shantaram Bhilmala And Others
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6936 OF 2025

Kisan Bhikchand Salunke And Others
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6866 OF 2025

Khanderao Mansaram Pawar And Others
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6950 OF 2025

Gajanan Vishram Kakade And Others
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6959 OF 2025

Vishnu Kacharu Bhandare And Others
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6949 OF 2025

Suresh Sitaram Sonawane And Others
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6934 OF 2025

Vishal Bhimrao Sable
VERSUS
The State Of Maharashtra And Others

AND
WRIT PETITION NO. 6937 OF 2025

Madhukar Uttam Gujar And Others
VERSUS
The State Of Maharashtra And Others

- Mrs. Suvarna Zaware Patil, Advocate for petitioners in WP/7942/2025

- Mr. Yogesh B. Bolkar, Advocate for the Petitioners in WP Nos.6935,6475, and 7236 of 2025
- Mr. Sambhaji G. Munde, Advocate for the Petitioners in WP Nos.5676,5961,6866,6936,6950 and 6959 of 2025
- Mr. M. G. Deokate, Advocate for the Petitioners in WP Nos.6763,6934, 6949 and 6937 of 2025
- Mr. S. P. Sonpawale, AGP for the Respondents State
- Ms. Sharayu B. Pethkar h/for Ms. Vaishali A. Shinde, Mr. V. C. Patil h/for Mr. U. B Bondar, Mr. P. R. Nangare, Advocate for the Zilla Parishad, Chhatrapati Sambhajinagar
- Mr. Maheshkumar S. Sonawane, Advocate for the Zilla Parishad, Jalgaon
- Mr. Avinash D. Aghav, Advocate for the Zill Parishad, Ahilyanagar

.....

CORAM : **MANISH PITALE &
Y. G. KHOBRADE, JJ.**

DATE : **30th July, 2025**

P. C. :

1. Writ Petition Nos. 6866/2025, 6936/2025, 6950/2025, 6959/2025, 6934/2025, 6949/2025 and 6937/2025 are not on board. They are taken on board as the connected writ petitions have been listed today for consideration.

2. The petitioners, in these petitions, have raised a common grievance that although, they have completed more than three years of service in "difficult areas", they are being deprived of their right to submit their options for transfer out of the difficult areas into the general/regular areas of service.

3. The petitioners claim that due to the delay on the part of the Committee constituted under the relevant Government Resolution for reviewing the list of difficult areas, declarations in that regard in the

year 2022 were made late and for that reason, the petitioners are being treated as persons who are yet to complete requisite service of three years in difficult areas. It is highlighted that the policy of transfers manifested in Government Resolutions successively issued by the respondent State in the years 2021 and 2024 consistently provides in Appendix-I that a Committee constituted under Clause 8 thereof is required to review the list of difficult areas, every three years in the month of March. It is submitted that in these cases, the Committees of respective Zilla Parishads of Ahilyanagar, Aurangabad (now Chh. Sambhajanagar) and Jalgaon failed to complete review of such list of difficult areas in the month of March, 2022. Such review was completed in the months of June/July/August, 2022, due to which, the period of three years was not completed by 31.05.2025. In this regard, reference is made to various clauses of the relevant Government Resolution to impress upon this court that due to the fault of the respective Zilla Parishads, the petitioners have suffered for no fault on their part.

4. Learned counsel appearing for the petitioners are keen to point out relevant clauses of the Government Resolution dated 07.04.2021, particularly, Clauses 1.4 and 1.7 thereof read with Clause 7 of Appendix-I attached to the said Government Resolution.

5. It is emphasized that the subsequent Government Resolution dated 18.06.2024 contains identical provisions and the scheme discernible from the said Government Resolutions is that the aforesaid

Committees of the respective Zilla Parishads chaired by the Chief Executive Officers thereof are required to review the list of difficult areas every three years in the month of March. It is further emphasized that such review, every three years in the month of March, is necessary because the relevant clause specifying the cut off date indicates that continuous service of three years in a difficult area would be counted till 31st May of every year. Reference is also made to a communication dated 05.03.2025 issued by the Section Officer of the concerned Department of the Respondent State, addressed to all the Chief Executive Officers of the Zilla Parishads that such review of list of difficult areas ought to be completed by 15th March, so that the necessary information would be available on the Online Portal through which the transfers are effected.

6. It is submitted that due to the recalcitrance and the delay on the part of the respective Committees of the Zilla Parishads, the petitioners ought not to suffer. As a matter of fact, the petitioners have continuously served in difficult areas for more than three years and therefore, in this year itself, they ought to be granted the benefit of such transfer policy manifested in the aforementioned Government Resolutions.

7. On the other hand, the learned counsel appearing for the respective Zilla Parishads and learned AGP appearing in these petitions submit that it is only upon declaration of an area as a difficult area that the period of service of the employees, including the petitioners herein

is to be counted. As a matter of fact, in the present petitions, such declarations of difficult areas were made in the months of June/July/August, 2022 and therefore, by 31.05.2025, none of the petitioners completed the mandatory requirement of three years of service in difficult areas to qualify for the benefit of the said Government Resolution. It is submitted that the petitioners would be eligible in the next year and, therefore, it cannot be said that they have suffered any injustice.

8. We have considered the rival submissions and we find that the relevant Clauses of the Government Resolutions dated 07.04.2021 and 18.06.2024, which are more or less identical, indicate that the cut off date for counting the period of three years of service in difficult areas is 31st May of each year. The policy indicates that those employees who have completed three years of service in difficult areas on or before 31st May of the particular year in which they are applying for transfer, would be eligible for the benefit of the said Government Resolutions. We are also of the opinion that the point in time, when the service of the employees in difficult areas is to be counted, ought to be the date of declaration of such areas as difficult areas by the Competent Committees. It would be inappropriate to proceed on the basis that the employees could be said to be serving in difficult areas prior to the date on which the areas are declared as difficult areas, as there would be no logical point of reference for calculating the mandatory period of three years of service in difficult areas for the benefit of said transfer policy.

9. It is undisputed that in these cases, the difficult areas were identified and so declared in the months of June, July and August, 2022. The petitioners have been serving in such areas. Since, such areas were declared as difficult areas only in June/July/August, 2022, by 31st May, 2025, none of the petitioners have completed the period of three years of service in difficult areas. As a consequence, the Portal would not be able to accept the applications of the petitioners and they would consequently not be able to participate on the basis that the transfer policy manifested in the said Government Resolutions inures to their benefit. In such a situation, the petitioners would be eligible only in the next year.

10. In writ jurisdiction, this court cannot hold in favour of the petitioners, as it would amount to this Court, by a judicial order, declaring certain areas as difficult areas prior in point of time before the empowered Committees of the respective Zilla Parishads gave such declarations. Such declarations are obviously based on empirical data and therefore, it would not be appropriate for this court, under Article 226 of the Constitution of India to declare such difficult areas from any date prior in point of time. Hence, no case is made out by the petitioners for interference in these petitions.

11. Nonetheless, we find that such controversies have been arising periodically, due to the fact that the said Committees of respective Zilla Parishads constituted under the transfer policy as per said Government Resolutions have failed to undertake the exercise of declaration of

difficult areas as per the appendices attached to such Government Resolutions. The respective clauses of the said appendices indicate that the said Committees of the respective Zilla Parishads are required to declare such difficult areas every three years in the month of March. The communication dated 05.03.2025, relied upon by the petitioners, indicates that even as per the concerned Department of the State, the Committees are expected to declare the list of difficult areas by 15th of March, so as to avoid any difficulty and controversy in the matter.

12. The learned counsel for the petitioner in Writ Petition No. 6763 of 2025 correctly pointed out the Government Resolution dated 04.05.2022, which brought about a slight modulation in the transfer policy, only as a one time measure for the year 2022, to extend the time period for counting three years up to 30th June, 2022.

13. Considering the aforesaid documents, while dismissing the present petitions, we intend to issue a specific direction to the respondents.

14. In view of the above, the writ petitions are dismissed. However, the respective Committees of the Zilla Parishads constituted under the aforesaid Government Resolutions, chaired by the Chief Officers, are directed that henceforth, the list of difficult areas to be reviewed as per the said Government Resolutions, shall be declared on or before 15th March, of the concerned year, so as to avoid any controversy in the future.

15. Respondent No.1 State is directed to issue an appropriate communication to the respective Zilla Parishads to abide by the aforesaid direction.

16. Pending applications, if any, stand disposed of.

17. Needless to say that the respondents authorities are expected to follow the other stipulations in the aforesaid Government Resolutions.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan