



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

948 WRIT PETITION NO. 9505 OF 2025

**RAJABHAU DATTATRAYA KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioners : Mr. Kedar Shrimant Ravsaheb
AGP for Respondents/State : Mr. S.V. Hange
Advocate for Resp. Nos.2 & 3 : Mr. Suhas Shirsat

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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 13th August, 2025**

PC. :-

1. Heard the learned counsel for the Petitioners, the learned AGP for the Respondent/State and the learned counsel appearing for the Respondent Nos.2 & 3.

2. The Petitioners claim that they have not been granted the special treatment available to teachers in special category as per Government Resolution dated 18.06.2024, in the context of transfer of teachers. It is submitted that said Government Resolution provides for a scheme to identify the teachers belonging to the special category. The Petitioners claim that despite belonging to the said category, they were not categorised as such and therefore, they have lost the opportunity of being

treated in a specific manner in terms of the scheme for transfers contemplated under the said Government Resolution.

3. We have perused the Government Resolution and we find that the Petitioner Nos.2 to 4 being 57 years of age, since they would be retiring within one year, there is no question of the said scheme under the Government Resolution applying to them as per clause 1.7.3. Hence, there is no substance in the petition as regards the said three Petitioners are concerned.

4. As regards Petitioner Nos.1, 5 and 6, their claim of being categorised as special category teachers is on the basis of clause 1.8.13 of the Government Resolution which states that those teachers who have attained the age of 53 years or more shall be treated as special category teachers. The said Petitioners are indeed stated to be aged about 55 and 56 years old.

5. When we perused the writ petition, we found that the main ground raised on behalf of the Petitioners is in paragraph 7 of the petition, wherein a grievance is raised that although the portal for registering themselves under the said Government Resolution to be treated as special category teachers was open from 12.07.2025 to 15.07.2025, two of the

days were Saturday and Sunday and the portal was not working properly on Monday. It is claimed that due to the aforesaid reasons the Petitioners could not access the portal and that they have been deprived of their rightful claim.

6. The learned counsel appearing for Respondent Nos.2 & 3 i.e. the Authorities concerned with the Zilla Parishad, brought to our notice that the aforesaid grievance is without any substance for the reason that as many as 860 teachers registered themselves on the portal successfully between 12.07.2025 to 15.07.2025 of whom 826 teachers were transferred as per their categorisation under the Government Resolution .

8. We are of the opinion that the Petitioners have not been able to support the specific stand taken in paragraph 7 of the petition. Merely because two of the three days when the options were to be placed on the portal happened to be Saturday and Sunday, cannot be a ground for the Petitioners to claim any relief. The portal remains open 24x7 and there can be no dispute about the same. We are of the opinion that the Petitioners due to their own fault failed to register themselves on the portal within the given period of time and thereafter, they have turned around and raised the claim before this Court.

9. No prejudice has been caused to the Petitioners as large number of similarly situated teachers successfully registered themselves on the portal and consequential action has been taken in their cases.

10. Apart from this, the said Government Resolution itself provides for an avenue for an aggrieved teacher to approach the concerned Education Officer with the grievance. In case a teacher is dissatisfied with the decision of the Education Officer, an appeal can be filed within three days before the Chief Executive officer of the Zilla Parishad. The said alternative remedies were not availed by the Petitioners and they have directly filed the present writ petition. They have not been able to demonstrate as to what prejudice they have suffered in the manner in which the Respondent/Zilla Parishad has implemented the scheme of transfer contemplated under Government Resolution dated 18.06.2024.

11. There is no merit in the present writ petition. Accordingly, the Writ Petition is dismissed. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]