



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12320 OF 2025

Sampat s/o Baburao Bhagwat
Age: 53 years, Occu.: Service (Asst. Teacher),
R/o. Bhagwat Mala, Kanhur Pathar,
Tq. Parner, District Ahilyanagar.

.. Petitioner

Versus

1. The State of Maharashtra
Through Secretary, Rural Development
Department, Bandhkam Bhavan-25,
Marzban Path, Fort, Mumbai.
2. The Divisional Commissioner,
Pune Division, Pune.
3. The Chief Executive Officer,
Zilla Parishad, Ahilyanagar.
4. The Education Officer (Primary),
Zilla Parishad, Ahilyanagar.

.. Respondents

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Ms. Laxmi R. Thakur, Advocate for the petitioner.
Mr. A. M. Phule, Advocate for the respondent Nos.1 and 2/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 06 NOVEMBER 2025

ORDER :

1. Heard learned Advocate for the petitioner. Learned AGP waives notice for respondent Nos.1 and 2. There is no necessity to issue notice to respondent Nos.3 and 4.

2. The petitioner is serving as teacher in the school under the control of respondent Nos.3 and 4. Petitioner was serving at school in

Kondegavan, Taluka Srigonda and under order dated 14.03.2024 he was transferred to school at Padali Tarfe Kanhur, Taluka Parner, in view of various Government Resolutions. In fact, without there being any urgent need to change the policy governing the transfer of teachers, a new policy ought not to have been introduced and there are changes in the said rules time and again. Many teachers came to be posted in a particular school recently were not due for transfer as they have not completed 5 years service in the school were exposed again for the transfer bypassing the minimum period of ten years prescribed earlier. Further, the modification in the transfer policy came to be introduced by Government Resolution dated 18.06.2024. As per clause 1.10 'Teacher Eligible for Transfer' has been defined as a teacher, who has completed 10 years of continuous service in normal area or difficult area or who has completed service of 5 years in a particular school. The petitioner was not due for transfer, yet his name has been included in the list of eligible for transfer at serial No.582 and, therefore, the petitioner is challenging the clause No.1.10 of Government Resolution dated 18.06.2024 to the extent of it relaxing minimum of 5 years for transfer for 7th round in triable area as illegal and against National Education Policy-2020. The petitioner seeks direction not to transfer him from present school, as he has not completed 5 years service in view of the Government Resolution dated 18.06.2024.

3. Learned Advocate appearing for the petitioner has taken us through the documents and submits that only by order dated 13.03.2024, he came to be transferred to Padali School in Parner Taluka, yet his name has been included in the difficult area round – teachers list. He would be unnecessarily taxed, if he would be transferred.

4. Here, it is to be noted that, inclusion of the name of the petitioner in the list cannot be presumed that he would be transferred. The petition appears to be premature or with unnecessary apprehension. No doubt, his name is included in the same list, but we cannot presume that the Government would go against its own policy or the Zilla Parishad would not consider various provisions and the Government Resolutions before undertaking the transfers and, therefore, we are of the opinion that this is not a stage where we can exercise our powers under Article 226 of the Constitution of India, which is only on the basis of the alleged apprehension of the petitioner.

5. The writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm