



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 WRIT PETITION NO. 13346 OF 2025

DIGAMBAR VITTHALRAO MANJRAMKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Biradar Ramrao Dhondiram
AGP for Respondent/State : Mr. D.R. Korade
...

CORAM : ARUN R. PEDNEKER, J.
Dated : November 10, 2025

PER COURT :-

1. Heard.
2. The petitioner challenges the order dated 17.10.2025 passed by the Divisional Commissioner, Chh. Sambhajinagar, holding that the petitioner is liable to be transferred in terms of earlier order dated 13.9.2023 issued by the Chief Executive Officer transferring the petitioner from Choufala to Khanapur, Taluka Degloor.
3. Brief facts giving rise to the present writ petition are as under :-

The petitioner along with M/s Jayshri Ramkrushna Chaudhari/respondent No. 5 were working as teachers in Zilla Parishad School, Nanded. The petitioner came to be transferred at Choufala by order dated 25.6.2012 and the petitioner has stated that he has resumed duty on 8.7.2012 and the respondent No. 5 came to be transferred by order dated 25.6.2012 and she joined at transferred place on 7.7.2012. The petitioner was thereafter transferred by the Chief Executive Officer by order dated 13.9.2023 from Choufala Zilla Parishad High School to Khanapur Zilla Parishad High School. Being aggrieved, the petitioner filed

objections on 15.9.2023 and 18.9.2023 before the Chief Execution Officer contending that respondent No. 5 is senior to the petitioner and thus, she has to be transferred prior to the petitioner. Considering the objection raised by the petitioner, respondent No. 3 – CEO passed fresh order on 28.9.2023, having verified the service record of the petitioner and respondent No. 5. The respondent No. 2 - CEO upheld the objection taken by the petitioner and directed the transfer of respondent No. 5 from Choufala Z.P. High School to Khanapur Z.P. High School, Taluka Degloor.

4. This revised order dated 28.9.2023 passed by the CEO was challenged by respondent No. 5 before the Divisional Commissioner in which the petitioner was made a party. Considering the grounds raised, the Divisional Commissioner by order dated 17.10.2025 has set aside the improvised order dated 28.9.2023 passed by CEO and directed to maintain the earlier order dated 13.9.2023 passed by CEO transferring the petitioner from Choufala to Khanapur, Tal. Degloor.

5. Challenging the order dated 17.10.2025 passed by the learned Divisional Commissioner, the learned counsel for the petitioner submits that the petitioner has joined duty in the school at Choufala School on 8.7.2012 from the earlier transferred place whereas respondent No. 5 joined duty on 7.7.2012 and relying upon this fact, the learned counsel submits that in terms of rules, senior person has to be transferred prior to the junior person.

6. Having perused the orders passed, it is apparent that petitioner as well as respondent No. 5 were relieved from earlier school on 4.7.2012 and were directed to join the school at Choufala. It is seen that respondent No. 5 was transferred on administrative ground whereas the transfer of the

petitioner was a request transfer. Both the petitioner as well as respondent No. 5 were relieved from the duty on 4.7.2012. It is stated that respondent No. 5 joined at transferred place on 7.7.2012 whereas the petitioner was required to join the duty on 4.7.2012, however, the petitioner had joined the duty on 8.7.2012 as leave was sanctioned to the petitioner on account of medical ground. Considering this aspect of the matter, the Divisional Commissioner has directed the transfer of the petitioner in terms of the original order dated 13.9.2023 of the CEO from Choufala to Khanapur.

7. The learned counsel for the petitioner submits that the order contradicts itself in terms of clause (3) and (5) of the impugned order dated 17.10.2025. Clause (3) of the impugned order shows that request transfer of the petitioner was made on 4.7.2012 and that the petitioner had joined at transferred place on 8.7.2012 whereas in clause No. (5) it is mentioned that petitioner was relieved on 3.7.2012 and he was required to join duty on transferred place on 4.7.2012. The petitioner has placed on record the relieving order of respondent No. 5 which shows that respondent No. 5 was relieved on 3.7.2012. However, the petitioner has not placed on record relieving order of petitioner. The authority has recorded that petitioner was on leave on account of medical ground from 4.7.2012 to 7.7.2012 i.e. for the period of four days. It is to be seen from the record that petitioner as well as respondent No. 5 were transferred on 3.7.2012. The authority has also recorded that respondent No. 5 was transferred on administrative ground and was required to join the duty at transferred place on 7.7.2012 and the petitioner was required to join at transferred place on 4.7.2012. However, on account of medical ground the petitioner joined at transferred place on 8.7.2012. In any event, from the

record it is seen that petitioner as well as respondent No. 5 were relieved on 3.7.2012. The petitioner has not placed on record his own relieving order. Considering that request transfer of the petitioner is made and respondent No. 5 is transferred on administrative ground and the case of the petitioner and respondent No. 5 is also equal and identical, it cannot be said that respondent No. 5 is senior to the petitioner. The improvised order passed by the CEO is without notice to the respondent No. 5. Considering all the above aspects of the matter, this Court in exercise of powers under Article 226 of the Constitution would not entertain the present writ petition. The writ petition is liable to be dismissed and is dismissed accordingly.

(ARUN R. PEDNEKER, J.)

ssc/