

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11596 OF 2025

Sachin Sharad Kusanale

... Petitioner

Versus

The State of Maharashtra And Others

... Respondents

Mr. Datta Pawar, E. Nayak & Sakshi Jankar for the Petitioner.
Mr. V. M. Mali, AGP for the Respondent-State.
Mr. Kedar Lad for the Respondent Nos. 2 and 3.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : October 14, 2025.

P. C. :

1. We have heard learned Counsel for the parties.
2. The Petition challenges the transfer order dated 21st August, 2025, issued by the Respondents claiming that the transfer process is in violation of provisions of law. It is stated that the Petitioner was appointed for the post of Sociology however, on 10th January, 2025, the Respondent No. 3 had changed subject of graduation as subject teacher from Sociology to Mathematics and Science. The name of the Petitioner

was deleted from list which was published on 23rd April, 2025 without granting any opportunity to the Petitioner.

3. Learned Counsel appearing for the Petitioner submits that the Petitioner has submitted representation to the Respondent Nos. 2 and 3 on 26th August, 2025 however, the same has not been decided. He submits that in event the transfer order is given effect, the representation will become infructuous and the transfer would be illegal.

4. Learned Counsel appearing for Respondent Nos. 2 and 3 submits that within a period of four weeks, the representation dated 26th August, 2025 will be decided by the Respondent No. 3-Education Officer (Primary) Zilla Parishad, Kolhapur.

5. Mr. Pawar, learned Counsel for the Petitioner seeks liberty to file fresh representation in accordance with Government Resolution of 18th June, 2024.

6. We have perused the Government Resolution dated 18th June, 2024 and particularly the clauses pertinent to the manner in which the transfer is required to be effected, the category as well as the redressal mechanism which is set out in clauses 5.10.1, 5.10.2, 5.10.3 and 5.10.4. The Petitioner though have already filed representation the same has not been decided. As the Petitioner's representation is still undecided, the Petitioner can be granted an opportunity to file fresh representation. The

representation to be filed within a period of one week from today in accordance with the Government Resolution of 18th June, 2024. Once the representation is filed, the Chief Executive Officer to take appropriate decision within a period of 30 days.

7. The Petition is disposed of by permitting the Petitioner to file fresh representation with the Respondent Nos. 2 and 3 within a period of one week. The representation to be decided within a period of 30 days from the date of receipt of fresh representation. Till the decision on the representation the transfer order of the Petitioner not to be given effect and the Petitioner should not be relieved.

8. The Petition is disposed of in the above terms.

TALLE
SHUBHAM
ASHOKRAO

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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