

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8662 OF 2025

Nilesh Ashok Patole,]
R/of Samraat Symphony, Nagare Mela,]
Behind Hotel Seven Heaven, Chetana]
Nagar, Nashik, Dist. Nashik] **.. Petitioner**

Versus

1. The Principal Secretary,]
Rural Development Department,]
State of Maharashtra]
2. The Education Officer (Primary),]
Zilla Parishad, Nashik District, Nashik]
3. The Chief Executive Officer,]
Zilla Parishad, Nashik District, Nashik] **.. Respondents**

Mr. Dilip B. Shinde with Mr. Mohan C. Kumbhar, Advocates for the
Petitioner.

Mr. V.M. Mali, Assistant Government Pleader for Respondent No.1-State of
Maharashtra.

Mr. Rohit Sakhadeo, Advocate for Respondent Nos.2 and 3.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 24TH JULY 2025.

PER SHREE CHANDRASHEKHAR, J.

1. Being aggrieved by the transfer order dated 21st May 2025 by which the petitioner has been transferred to Panchayat Samiti, Peth, he has approached this Court under Article 226 of the Constitution of India.

2. The petitioner has pleaded that he was working as Extension Officer (Education) since 2019 at Zilla Parishad, Nashik. He claims that he has unblemished service record and no complaint was ever made against him. The learned counsel for the petitioner submits that the petitioner who has

served for twenty-five years in the tribal area could not have been sent back to serve again in the same area and, that, the transfer order dated 21st May 2025 has been passed in breach of the Government Resolution dated 15th May 2014. In support of his contentions, the learned counsel for the petitioner has relied on a decision of this Court at Nagpur Bench in Writ Petition No.4729 of 2018 (*Sangita Sanjay Gawande Vs. Zilla Parishad, Amravati*). On the other hand, the respondents have taken a stand that the petitioner who himself opted for transfer to any one of three places, viz. Trimbakeshwar, Dindori and Peth in the Nashik District cannot raise a grievance against the transfer order dated 21st May 2025 on the ground that the Government Resolution dated 15th May 2014 has been violated. The learned counsel for the petitioner has also referred to the object under the said Government Resolution which according to him provides that an employee should not be transferred to a tribal area again if he has worked there for three years. The learned counsel submits that the said Government Resolution further provides that if the spouse of the government employee is also working under any government organization then both should be posted together as far as possible.

3. Notwithstanding the fact that the petitioner has tendered joining report at the transferred place, we may indicate that the writ Court shall not have any jurisdiction to interfere with an order of transfer unless it is demonstrated before the Court that the order of transfer was issued in violation of the statutory Rules or was actuated with malafide. The submission made on behalf of the petitioner that the transfer order dated 21st May 2025 has been issued in violation of the Government Resolution dated 15th May 2014 pales into insignificance in view of the option given by the petitioner during the counseling. This is too well settled law that a government employee has no vested right to a post or a place of posting. However, having regard to the fact that the wife of the petitioner is also a government employee the said aspect shall be considered by the

Competent Authority during the next transfer exercise. We are making this observation in view of the decision in “*Bank of India vs. Jagjit Singh Mehta*” 1992 AIR 519 wherein the Hon’ble Supreme Court observed that ordinarily and as far as practicable the husband and wife who are both employed should be posted at the same place even though their employers are different.

4. Writ Petition No.8662 of 2025 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]