

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

WRIT PETITION NO. 11294 OF 2025

Prasanna Narendra Patil & Ors.

... Petitioners

versus

The State of Maharashtra & Ors.

... Respondents

AND

WRIT PETITION NO. 11296 OF 2025

Swapnil Subhash Udare & Ors.

... Petitioners

versus

The State of Maharashtra & Ors.

... Respondents

...

Mr. S.S.Kulkarni for the Petitioners in both the Petitions.

Mr.Abhijeet Naik, AGP for Respondent Nos. 1 to 3, State in WP No. 11294 of 2025.

Dr. Dhruvi Kapadia, AGP for Respondent Nos. 1 to 3, State in WP No. 11296 of 2025.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 23rd September, 2025

P.C.:-

1. The Petitioners were working in difficult areas from 2019 to 2022. Thereafter, the same area was declared to be a plain area. As a consequence, the Petitioners are now required to complete 10 years in the same posting, to be eligible for transfer under the Annual General Transfer.

The grievance of the Petitioners is that the earlier period of three years spent in the same area has not been reckoned with.

2. This Court (Coram: Ravindra V. Ghuge & Ashwin D. Bhobe, JJ.) delivered a judgment on 1st April, 2025 in Writ Petition No. 9495 of 2023 (*Shri Hanumant Hirachand Saklave & 102 other Petitioners Versus The State of Maharashtra & Ors.*), concluding that the earlier period of service in the same area will have to be reckoned. This Court issued a specific direction in light of paragraphs 7 to 11, which read as under:

“7. It is in the above backdrop that the Desk Officer addressed a letter dated 28th February, 2025 to the Chief Executive Officer of the Thane Zilla Parishad which has led to the confusion due to which this Petition has been filed. Clause (1) of the said letter which has led to the confusion reads as under:

"१) मुद्दा क्र. १ व २:- अवघड क्षेत्रातील शाळा सर्वसाधारण क्षेत्रामध्ये समाविष्ट झाल्यास, त्यापूर्वी एखाद्या शिक्षकाने अवघड क्षेत्रातील शाळेमध्ये केलेली सेवा ही अवघड क्षेत्रातील सेवा समजण्यात यावी व सदर अवघड क्षेत्रातील कालावधी खंडीत सेवा धरून या शिक्षकांच्या सर्वसाधारण क्षेत्रातील बदलीबाबत कार्यवाही करावी."

8. A weird situation is before us. The Desk Officer has unnecessarily used the words "सदर अवघड क्षेत्रातील कालावधी खंडीत सेवा धरून या शिक्षकांच्या सर्वसाधारण क्षेत्रातील बदलीबाबत कार्यवाही करावी". There is no question of treating a person's tenure of deployment in a difficult area, to be a break in service after the area gets converted into a plain area.

9. *The learned AGP, on instructions from the Desk Officer present in the Court, has made an attempt to interpret the word "खंडीत सेवा" to mean that it does not amount to a break in service. We are surprised, to say the least. An unnecessary effort is made to explain the meaning of the word "खंडीत सेवा" by informing us that it does not mean that there would be any break in service. These are words which were not required to be mentioned in the letter dated 28th February, 2025. Clause 1.7.1 and 1.7.2 are unambiguous and clear sentences which do not require any clarification by the Desk Officer.*

10. *In view of the above, we are issuing the following directions:-*

a) *The communication dated 28th February, 2025 addressed to the Chief Executive Officer Zilla Parishad Thane, shall be overlooked and ignored.*

b) *Clause 1.7.1 and 1.7.2 of the Government Resolution dated 18th June, 2024 shall be read in the manner in which they have been drafted since they are unambiguous and clear sentences.*

c) *The Government Resolution dated 15th February, 2018 shall be followed in ensuring that lady teachers and also male teachers who are 53 plus, would not be deployed in difficult areas.*

d) *The period spent by these Petitioners in the difficult areas, notwithstanding that the said areas have later on being declared to be plain/simple areas, shall stand to gain advantage of the time spent in the difficult areas for all benefits as may be flowing through the policies of the government or the applicable*

Government Resolutions and in this backdrop, their claims for being transferred out of the said difficult areas shall be entertained by the respective Zilla Parishads.

e) Needless to state, they would also be involved in the counseling process as per the policy in vogue.

11. The learned AGP submits on instructions from the Desk Officer present in the Court that in view of the changed policy, each candidate has to make an online application for intra-district transfers and all such candidates, after expressing their 30 options, are not required to undergo any counseling process. They would follow the schedule in the cases of each of these Petitioners accordingly.”

3. In view of the above, **these Writ Petitions are disposed off.**

4. While computing the number of years of service rendered by the Petitioners at one posting, the period spent in a difficult area, which was later declared as a plain area, and where the Petitioners continued to serve at the same location, shall be taken into account while calculating the 10 years of service, which will make the Petitioners eligible for transfer, thereafter.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)