

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(3) WRIT PETITION NO. 11788 OF 2025

Maharashtra Rajya Shikshak Parishad
Prathamik Vibhag ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

AND
(4) WRIT PETITION NO. 12140 OF 2025

Maharashtra State Teacher Council
Primary Department ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

AND
(64) WRIT PETITION NO. 12183 OF 2025

Shantaram Suryakant Jagtap & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION (ST) NO. 31249 OF 2025

Manisha Gorakh Taware & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION (ST) NO. 31313 OF 2025

Dattatray Khandu Navadkar & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

AND
(65) WRIT PETITION NO. 12331 OF 2025

Ashwini Ravindra Shitole & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

AND
(66) WRIT PETITION NO. 12332 OF 2025

Devanand Vitthalrao Jamdade & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

AND
(67) WRIT PETITION NO. 12333 OF 2025

Sunil Vitthal Phand & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

AND
(68) WRIT PETITION NO. 12334 OF 2025

Dadaso Shankar Jagtap & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

AND
(174) WRIT PETITION NO. 11437 OF 2025

Mahesh Ramchandra Pimpale & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

AND
(175) WRIT PETITION NO. 11439 OF 2025

Ravindra Hareshwar Gharat & Ors.	...Petitioners
Versus	
The State of Maharashtra & Ors.	...Respondents

Mr. Suresh Pakale, Senior Advocate a/w Mr. Nilesh Desai i/by Ms. Padmaja Malgaonkar, Advocate for the Petitioners in WP/12183/25, WP(ST)/31249/25, WP(ST)/31313/25, WP/12331/25, WP/12332/25 WP/12333/2025 & WP/12334/2025.

Mr. Rakesh Bhatkar, Advocate for the Petitioners in WP/11437/2025 & WP/11439/2025.

Mr. Ashwin Kapadnis, Advocate for the Respondent/ZP Nashik in WP/11788/2025 & WP/12140/2025 and the Respondent/ZP Pune in WP/12183/2025, WP(ST)/31249/2025, WP(ST)/31313/2025, WP/12331/25, WP/12332/25 WP/12333/2025 & WP/12334/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Mr. Aditya Deolekar, AGP for Respondent/State in WP/11788/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Ms. P.N. Diwan, AGP for Respondent/State in WP/12140/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Mr. S.H. Kankal, AGP for Respondent/State in WP/12183/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Mr. A.K. Naik, AGP for Respondent/State in WP(ST)/31249/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Mr. A.C. Bhadang, AGP for Respondent/State in WP(ST)/31313/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Ms. N.M. Mehra, AGP for Respondent/State in WP/12331/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Ms. Devyani S. Deshmukh, AGP for Respondent/State in WP/12332/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Mr. V.G. Badgujar, AGP for Respondent/State in WP/12333/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Ms. Priyanka Chavan, AGP for Respondent/State in WP/12334/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Ms. R.A. Salunkhe, AGP for Respondent/State in WP/11437/2025.

Ms. Neha Bhide, G.P. a/w Mr. P.P. Kakade, Addl. G.P., Mr. Karan Thorat, 'B' Panel Counsel for Respondent/State in WP/11434/2025.

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

DATE : 23rd SEPTEMBER, 2025

P.C. :-

1. In all these matters, these Petitioners have approached this Court aggrieved by their proposed transfers for multiple reasons. Some similarly situated Petitioners have approached the Nagpur Bench, Aurangabad Bench and the Kolhapur Bench. At the Benches, the learned Courts have *prima facie* viewed these transfers to be mid-term transfers. Consequentially, such transfers as were challenged by the Petitioners, have been stayed by the Benches. These orders have been cited before this Court.

2. The learned Government Pleader along with the learned Advocates representing the Zilla Parishads, submit that this transfer process is a long drawn exercise. Data of lakhs of teachers are collated by the various Zilla Parishads and the said data is fed to the TEACHER TRANSFER MANAGEMENT SYSTEM ('TTMS'), which is a system operating for the Government of Maharashtra, Rural Development Department. This system considers various categories of employees, who are liable to be transferred. We need not go into the various categories, which are too many to be quoted here. Suffice it to say that the TTMS deals with such transfers category-wise.

3. The learned Government Pleader and the learned Advocates for the Zilla Parishads further submit that this entire system of Annual General Transfers ('AGT') operates like a chain. Those liable to be transferred move out of their seats and proceed to those places, where they have been posted. At each place, a vacancy is created by the outgoing teacher. It does not so happen that two teachers accidentally occupy a single vacant seat. Therefore, their grievance that the orders of staying the transfers, brings the entire wheel, which is moving in coordination, to a grinding halt.

4. For example, if some transfers are stayed, those candidates continue to sit in their positions and other candidates, who have been transferred to occupy the said vacancies created by the transfers, get locked as there is no seat to occupy. It is difficult to turn around and send back the candidate owing to the stay obtained by a Petitioner. We are further informed that transfers in 18 Districts have been effected and teachers have already joined the places of transfer.

5. The reason for the delay in effecting transfers in September-2025 is said to be on account of a cascading effect, which took place because of the code of conduct having been introduced in April-May, 2024 due to the Lok-Sabha Election. The Annual Transfers got staggered beyond the code of conduct period for the year 2024. This had its effect on the AGT for the year 2025-2026. Hence, the AGT occurred in September-2025. On account of the orders of stay granted by the respective Benches, a sort of difficult and unmanageable situation is created. The learned Government Pleader hastens to add that the State is not criticizing any interim order passed by the Court, but is only making a humble attempt to convey to the Court that staying of the transfers has

broken the cycle of the transfers and the AGT of 2025-2026 is now in disarray.

6. The Government Resolution dated 18th June, 2024 is pointed out to us, more specifically the clauses pertaining to how a transfer should be effect and in what category, as well as, how the grievance of a transferee can be considered.

7. The learned Government Pleader points out Clause Nos.5.10.1, 5.10.2, 5.10.3 and 5.10.4, of the GR which read as under :-

“५.१० बदल्यांबाबतच्या अनियमिततेबाबतची तक्रार :

५.१०.१ संगणकीय प्रणालीद्वारे निर्गमित झालेल्या आदेशाच्या विरोधात बदलीच्या अनियमिततेबाबत तक्रार असल्यास त्याचा निपटारा मुख्य कार्यकारी अधिकारी यांच्या स्तरावर झाल्यास संबंधित शिक्षकांना जिल्हा परिषद स्तरावरच सत्वर न्याय मिळू शकतो. यासाठी जिल्हांतर्गत बदलीमध्ये शिक्षकांची तक्रार असल्यास सदरच्या तक्रारींची चौकशी करून निवारण करण्यासाठी मुख्य कार्यकारी अधिकारी यांच्या स्तरावर एक समिती गठीत करण्यात येत आहे. सदर समितीमध्ये मुख्य कार्यकारी अधिकारी, जिल्हा परिषद, उपमुख्य कार्यकारी अधिकारी (सामान्य प्रशासन विभाग), शिक्षणाधिकारी (प्राथमिक) यांचा समावेश असेल. बदलीचे आदेश प्राप्त झाल्यापासून संबंधित शिक्षकांनी सात दिवसांच्या आत बदलीबाबत तक्रार असल्यास या समितीकडे तक्रार अर्ज दाखल करावा. तक्रारीच्या

संबंधात समितीने चौकशी करून ३० दिवसाचे आत निर्णय घेण्यात यावा. परंतु बदलीबाबतची तक्रार तपासत असताना गैरसोयीची नियुक्ती म्हणजे बदल्यांमधील अनियमितता नव्हे, असे प्रामुख्याने स्पष्ट करण्यात येत आहे. कोणत्याही परिस्थितीत घोषित करण्यात आलेल्या अनिवार्य रिक्त जागेवर शिक्षकांची समुपदेशनाने नियुक्ती करता येणार नाही. कारण समानीकरणाचे धोरण हे विद्यार्थ्यांच्या शैक्षणिक हक्कासाठी आवश्यक आहे.

५.१०.२ मुख्य कार्यकारी अधिकारी यांचे अध्यक्षतेखाली समितीने घेतलेल्या निर्णयाने समाधान न झाल्यास संबंधित शिक्षक बदलीच्या अनियमितेबाबत विभागीय आयुक्तांकडे मुख्य कार्यकारी अधिकारी यांचे आदेश प्राप्त झाल्यापासून ७ दिवसाचे आत दाद मागू शकतात. अशा पद्धतीने विभागीय आयुक्त यांच्याकडे दाखल झालेल्या अपीलवजा तक्रारीवर शक्यतो तक्रार प्राप्त झाल्यानंतर पुढील ३० दिवसांचे आत विभागीय आयुक्तांनी निर्णय घ्यावयाचा आहे. विभागीय आयुक्तांनी घेतलेला निर्णय अंतिम राहील.

५.१०.३ वरीलप्रमाणे बदलीच्या आदेशाच्या विरुद्ध अपिलीय प्रक्रिया सुरू असताना जर शैक्षणिक वर्ष आरंभ झाले तर विद्यार्थ्यांचे शैक्षणिक नुकसान होऊ नये म्हणून अपिलीय प्रक्रियेला बाधा न येता व शिक्षकांचे अपिलीय अधिकार अबाधित ठेवून शिक्षकांना त्यांना नेमून दिलेल्या पदस्थापनेवर हजर होऊन शैक्षणिक कर्तव्ये बजावणे बंधनकारक राहील.

५.१०.४ विशेष संवर्ग भाग-१ व विशेष संवर्ग भाग-२ मध्ये ज्या शिक्षकांनी अर्ज भरून बदली करून घेतलेली आहे व त्या शिक्षकांबद्दल तक्रारी प्राप्त झालेल्या आहेत, अशा शिक्षकांची बदलीच्या संबंधित संवर्गाच्या कागदपत्रांची तात्काळ पडताळणी करण्यात यावी. ही पडताळणी करताना नैसर्गिक न्याय म्हणून त्यांना म्हणणे मांडण्यासाठी सात दिवसांचा अवधी देण्यात यावा.”

8. The Petitioners are already protected under the *ex parte* ad-interim orders of this Court, as well as, of the various Benches. All of them are agreeable to move their individual applications to the Chief Executive Officer ('CEO') of the respective Zilla Parishad, within a period of seven days from today, in the light of Clause No. 5.10.1, reproduced above. Once such a representation is made, the CEO can consider the records and take a decision in each case within a period of 30 days. We do not expect the CEO to write lengthy orders, but a concise order indicating the reasons for either allowing an application or for rejecting it, should be in place. The analysis made on the basis of the material should be seen from such a concise order. If any teacher is aggrieved, he can avail of a remedy under Clause No.5.10.2.

9. In view of the above, all these **Writ Petitions are disposed off** with the following directions :-

a] The aggrieved Petitioner would follow the procedure in Clause No.5.10.1 and make an application to the CEO of the respective Zilla Parishads, within a period of seven working days from today.

b] The concerned CEO would verify from the data available and write a concise order if the application has to be rejected.

c] Any teacher aggrieved by the order of the CEO would be at liberty to strictly follow Clause No.5.10.2. The further process shall be governed by the clauses reproduced above below Clause No.5.10.

d] Until the CEO decides the representation, the order passed earlier that the Petitioner should not be relieved, would continue to protect such Petitioner, till the decision of the CEO.

10. Considering the peculiar situation that emerges from such Petitions, we would expect the Principal Secretary, Rural Development Department, since he is said to be the person who is monitoring all the Zilla Parishad teaching and non-teaching employees, to apply his mind to the present situation and issue appropriate directions to ensure that in future such a situation would not occur from the academic year 2026-2027. He would also issue appropriate directives in the light of his similar directives issued

earlier on 7th November, 2024, through the Rural Development Department addressed to all the CEOs of the Zilla Parishads, under the signature of Mr. Nitin S. Pawar, the then Desk Officer, Government of Maharashtra.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)