

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

WRIT PETITION NO.11441 OF 2025

Vijaykumar Rajaram Desale and others

Petitioners

versus

The State of Maharashtra through the
Principal Secretary and others

Respondents

Ms.Preeti Walimbe, Advocate for Petitioners.

Ms.A.A.Purav, AGP, for Respondent no.1 State.

**CORAM : SHREE CHANDRASHEKHAR &
AARTI SATHE, JJ.**

DATE : 26th August 2025

PC :

Ms.Walimbe, the learned counsel for the petitioners, tenders a copy of acknowledgement to submit that a copy of the writ petition has been provided in the office of Chief Executive Officer, Zilla Parishad, Thane on 25th August 2025. It is taken on record.

2. The grievance raised in this writ petition is confined to the 'proposed list' of transfer of teachers for difficult areas, which is at running page 221 onwards of the paper book. This writ petition has been filed by 22 teachers who all are within the jurisdiction of Zilla Parishad, Thane. The contents of this writ petition are verified by Vijaykumar Rajaram Desale who is the petitioner no.1.

3. The petitioners have pleaded that most of them have not even completed a tenure of one year from the date of their last transfer, but the 'proposed list' of transfer of the teachers includes their names. According to the petitioners, the petitioners, namely, Amol Madhukar Manjule, Manish Gurunath Bhoir, Santosh Rambhau Bhagwat, Vilas Narayan Chaudhari and Mangesh Pandurang Isame have not stayed at the posting for more than five years and the proposed

list *qua* them has been prepared in contravention with G.R. dated 7th April 2021 and 18th June 2024 which provides that a teacher should normally not be transferred within five years of service in a particular school.

4. The G.R.s dated 7th April 2021 and 18th June 2024 provide guidelines to the respondent-Authorities to manage the affairs insofar as transfer of teachers is concerned. The G.R.s may not have a statutory force and in appropriate cases, the respondent-Authority may deviate from the guidelines issued in the aforementioned G.R.s. This is also a well settled principle that a government employee has no right to remain at a place of posting and transfer is only considered as an incident of service.

5. Therefore, we are not inclined to entertain this writ petition *qua* petitioner nos.-19 to 22. However, the Chief Executive Officer of Zilla Parishad, Thane shall consider through the respondent no.4-Vinsys IT Services India Ltd, the grievance of petitioner nos.-1 to 18 and take a decision as their names have been included in the proposed transfer list. The Chief Executive Officer, Zilla Parishad, Thane shall give a reason instead of simply stating “for administrative exigency” for taking a decision adverse to these petitioners and pass a reasoned order by 10th September 2025.

6. Till 10th September 2025, the petitioner nos.-1 to 18 shall not be transferred.

7. Writ Petition No.11441 of 2025 is disposed off.

(AARTI SATHE, J.)

(SHREE CHANDRASHEKHAR, J.)