



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1131 OF 2025

IN

WRIT PETITION NO. 211 OF 2025

Sangita Bhaskarrao Tope and Ors.

Vs.

State of Maharashtra, Thru. Secretary, Rural Development Department, Mumbai and
Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.P. Masurkar, Advocate for applicants.
Ms. Deepali Sapkal, AGP for respondent Nos.1 to 3/State.
Mr. S.S. Shinde, Advocate for respondent Nos.4 & 5.

CORAM : ROHIT W. JOSHI, J.

DATE : 23.05.2025.

The present application is filed seeking the vacation of interim order dated 13.05.2025 passed by this Court.

2. The present petition is filed challenging the transfer process initiated by respondent – Zilla Parishad. The petitioners are the teachers working in the Zilla Parishad Schools. Initially vide order dated 14.01.2025 notices were issued in the matter and this Court while issuing the notices has specifically observed that the transfer process can

continue. The petition was thereafter listed on 22.04.2025 and was adjourned to 29.04.2025 by way of last chance. It appears that the matter was not listed on 29.04.2025, the petition was thereafter, listed on 06.05.2025 and was simplicitor adjourned to 09.06.2025.

3. The petitioners approached this Court on 13.05.2025. It appears that the respondent Zilla Parishad was not apprised about the petition being circulated on 13.05.2025 and did not appear in the matter during the course of hearing on 13.05.2025. After hearing, the learned counsel for the petitioners and respondent Nos.1 to 3, this Court was pleased to pass an interim order stating that petitioners should not be relieved from the duty till till 13.06.2025. The respondent Zilla Parishad has thereafter, filed the present application seeking vacation of the interim order dated 13.05.2025. It is stated that relieving orders have been issued to all the petitioners on 30.04.2025.

4. It is informed that 80 petitioners have already joined at the transferred place. As regards the remaining petitioners the learned counsel for the petitioners contends that 11 petitioners have not been served with the relieving orders. All these 11

petitioners have filed leave applications on or around 29.04.2025. The relieving orders are issued on 30.04.2025.

5. The learned counsel for the respondent Nos.4 and 5 informs that relieving orders were sent to all the 11 petitioners who have not joined at the transferred place by registered post. In most of the cases the registered notice is either refused or not claimed. He further states that all the petitioners are aware about the fact that relieving orders have been issued on 30.04.2025.

6. The learned counsel further states that it is inconceivable that out of 91 petitioners 80 have joined at the transferred place and all the 11 petitioners, who did not join at transferred place have filed leave applications only a day prior to the date of issuance of the relieving order seeking leave.

7. He further states that the 11 petitioners who were not joined were aware about the fact that relieving orders will be issued and therefore, they moved applications seeking leave on the previous date. He further states that the registered letters by which the relieving orders were sought to be served are deliberately not received.

8. I find substance in the contention of the learned counsel for respondent Nos.4 & 5. It is obvious that the interim order dated 13.05.2025 has obtained without disclosing the fact that relieving orders were issued and 80 petitioners had already joined at transferred place.

9. In view of the above, the interim order dated 13.05.2025 stands vacated.

10. List the petition for further consideration on 10.06.2025 along with Writ Petition Nos. 7287/2024, 7486/2024, 2289/2025, 2401/2025 and 2234/2025.

11. Learned counsel for the petitioners has tendered reply, which is taken on record.

(ROHIT W. JOSHI, J.)