IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8212 OF 2021

Chetan S/o Milind Pandav,
Age : 32 years, Occu. : Assistant Teacher,
R/o. Sakegaon, Tq. Bhusawal,
Dist. Jalgaon .. Petitioner

Versus

1] The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai – 32.

2] The Education Officer (Secondary),
Zilla Parishad, Jalgaon

3] Waghur Shikshan Prasarak Mandal,
Sakegaon, Through its Chairman
Dilipsingh S/o Pratapsingh Patil,
Age : 53 years, Occu : Chairman,
R/o. Sakegaon, Tq. Bhusawal,
Dist. Jalgaon

4] Indira Gandhi Madhyamik Vidyalaya,
Through its Headmaster,
Sakegaon, Tq. Bhusawal,
Dist. Jalgaon .. Respondents

AND
CIVIL APPLICATION NO. 7855 OF 2025 IN WP / 8212 / 2021
(Chetan Milind Pandav V. The State of Maharashtra and others)

AND
CIVIL APPLICATION NO. 2512 OF 2024 IN WP / 8212 / 2021
(Chetan Milind Pandav V. The State of Maharashtra and others)
AND
CIVIL APPLICATION NO. 8979 OF 2024 IN WP / 8212 / 2021
(Chetan Milind Pandav V. The State of Maharashtra and others)

...
Advocate for petitioner : Mr. R.I. Wakade
Addl.GP for the respondent – State : Mr. P.S. Patil
Advocate for respondent no. 3 : Mr. S.V. Dixit
Advocate for respondent no. 4 : Ms. Nayana Patil
h/f. Ms. Surekha Mahajan
...

CORAM : KISHORE C. SANT AND JITENDRA JAIN, JJ.

RESERVED ON : 29 SEPTEMBER 2026
PRONOUNCED ON : 06 OCTOBER 2026

JUDGMENT (PER – JITENDRA JAIN, J.) :

Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is heard finally.

2. This Petition is filed under Article 226 of the Constitution of India seeking direction against respondent no. 3 – Education Institute for implementing resolution dated 12.06.2021 by which the management decided to forward the proposal of the petitioner to the Education Officer for transfer from unaided division to aided division and further direction to the management to comply with the requisition sent by the Education Officer to the management in this regard vide communication dated 24.06.2021.

3. In sofar as the issue of seeking transfer as a right of an employee is concerned, this Court in Writ Petition No. 14956 of 2017 on 18.03.2024 in the case of ***Syeda Shahana Firdaus V. The State of Maharashtra and others*** has observed that such a right is not vested with the employee but it is the prerogative of the management. Therefore, such a writ cannot be issued by this Court against the management. However, that would not preclude the management to

transfer the petitioner from unaided to aided division, if they so desire but certainly the petitioner as an employee, cannot as a matter of right, seek such a direction from the Court.

4. We have not been informed whether the petitioner's name appears in TET scam. If his name appears, then the management will be at liberty to take appropriate action in accordance with law based on the orders passed in relation to TET scam by the Maharashtra State Council of Examiantion.

5. The petition is disposed of. No order as to costs.

6. Pending Civil Applications, if any, do not survive and are disposed of.

7. Rule stands discharged.

[JITENDRA JAIN]
JUDGE

[KISHORE C. SANT]
JUDGE

arp/