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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 WRIT PETITION NO. 15407 OF 2025

Anita Lakshman Kale

VERSUS

The State Of Maharashtra And Another

.....

Mr. Satyajit B. Pawar, Advocate h/f Mr. Mahesh S. Bhosale, Advocate for
Petitioners

Mr. S.B. Narwade, AGP for Respondent No.1-State

MR. Avinash Aghav, Advocate for Respondent No.2

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 19 JANUARY, 2026

PER COURT :-

1. Learned Advocate Mr. Aghav, appearing for respondent No. 3, places on record the order dated 21.11.2025 (Exhibit 'X'), thereby the representation submitted by the petitioner on 07.10.2025 has been decided.

2. Heard the learned advocate Mr. Satyajit Pawar holding for learned advocate Mr. Mahesh Bhosale for the petitioner. Learned AGP waives service of notice for respondent No.1 and learned advocate Mr. Avinash Aghav waives service of notice for respondents No.2.

3. The petitioner is challenging her transfer order dated 08.08.2025. She seeks benefit of Government Resolutions dated 18.06.2024 and 28.05.2019 regarding couple convenience. The petitioner working as Assistant Teacher At Ambika Secondary and Higher Secondary School, Kedgaon, Tq. & Dist. Ahilyanagar, which is receiving aid from the Government. Now, the petitioner has been

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transferred to village Nagapur, Tq. Nevasa, Dist. Ahmednagar, and therefore, she approached this Court. Learned advocate for the petitioner states that the distance is about 64.06 km and the petitioner has submitted the Google Map. Now as per Exhibit 'X', it can be seen that the petitioner has enjoyed the present posting for five years at the present school and in the general sector, she has enjoyed the service for ten years. Learned advocate for the petitioner submits that the petitioner's husband cannot seek transfer since the school in which he is employed is not a Zilla Parishad school, but it is a private school, which is aided school. We make it very clear that for all the years together the petitioner cannot get the same school and it cannot be every time within 30 km radius from the place of service of the husband. Of course for respondent No.2, the Government Resolutions are binding on respondent No. 2; however, postings are subject to the availability of vacancies as per choice, and administrative exigencies are also required to be considered utmost.

4. We dispose of the writ petition by directing respondent No.2, if in case, in future, there is a scope for posting the petitioner at a place adjacent to, or within a radius of 30 km from, her husband's place of service, her claim shall be considered in accordance with law.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE