



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.15510 OF 2025

Asha Baban Gawali,
Age-44 years, Occu:Service (Teacher),
R/o-At Post-Malichinchora,
Taluka-Newasa, District-Ahmednagar.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya, Mumbai,
- 2) The Chief Executive Officer,
Zilla Parishad, Ahmednagar,
District-Ahmednagar,
- 3) The Education Officer (Primary),
Zilla Parishad, Ahmednagar,
District-Ahmednagar.

...RESPONDENTS

...
Ms. Suvarna M. Zaware Advocate for Petitioner.
Mr. A.M. Phule, A.G.P. for Respondent No.1.
Mr. Avinash Aghav Advocate for Respondent Nos.2
and 3.

...

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

DATE : 20th JANUARY, 2026

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed for direction to respondent No.3 to consider and decide the petitioner's representation dated 6th October 2025 in accordance with Government Resolutions dated 27th February 2017 and 18th June 2024 and to grant her posting at the place within 30 Kilometer's radius from her home town at Vitthalwadi, Taluka-Newasa, District-Ahmednagar under couple convenience and on humanitarian ground.
2. Heard learned Advocate for the petitioner as well as learned AGP for respondent No.1 and learned Advocate Mr. Aghav for respondent Nos.2 and 3.
3. Learned Advocate for respondent Nos.2 and 3 places on record copy of the order dated 21st November 2025, which is taken on record by marking Exhibit "X", thereby informing that the representation of the petitioner has been rejected and according to him, it has been communicated to the petitioner.
4. Learned Advocate for the petitioner disputes that the said order was communicated to the petitioner.

5. It has been submitted on behalf of the petitioner that petitioner's husband is also serving as an assistant teacher with Sou. Badambai Dhanraj Seth Gandhi Vidya Mandir, Newasa, District-Ahmednagar. According to the petitioner, the present place where she has been transferred, is beyond 30 Kilometer's radius. She has also stated that her mother is suffering from heart ailment and has undergone bypass surgery, so also her father is 72 years old. Taking into consideration all these aspects, the petitioner's request ought to have been considered.

6. Learned Advocate for the petitioner tried to submit that though the posts are vacant within 30 Kilometer's radius, respondent No.2 has not accommodated the petitioner. Whereas the learned Advocate for respondent Nos.2 and 3 points out that the transfer of the petitioner was at the place of her choice. Learned Advocate for the petitioner accepts that the place was of the choice of the petitioner but she states that since options were asked, the said school was put in option but it is not convenient.

7. First of all, when the transfer is at the place of her choice, the petitioner cannot object. Secondly, though the guidelines

have been given for transfer of teachers in which couple convenience is one of the ground, it cannot be sought by any teacher as of right. The administrative exigencies are also required to be considered. Here, it is to be noted that since 2014, the petitioner is stated to be working in the same school at Tekane Vasti, Taluka-Newasa, District-Ahmednagar, from where she is now transferred. That means, she has enjoyed her service at the said place for about nine years and now when she has been given the place of her choice, she is still objecting.

8. We do not find any merit in the present Writ Petition and it deserves to be rejected. Accordingly, the Writ Petition stands rejected. However, still the petitioner can take part in the next transfer process by giving appropriate reasons and if the vacancies are available within 30 Kilometer's radius, then respondent No.2 to consider the same.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE