

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

WRIT PETITION NO. 4050 OF 2026

Vishwanath Pandurang Kaule & Anr.Petitioners

Versus

The State of Maharashtra & Anr.Respondents

Mr. Suresh Pakale (Senior Advocate) a/w Mr. Nilesh Desai i/b. Ms. Padmaja Malgaonkar, for Petitioners.

Mr. S. V. Gavand a/w. Mr. P. H. Gaikwad, for Zilla Parishad Pune/Respondents.

Mr. P. P. Kakade, Addl. GP a/w. Mr. A. R. Deolekar, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
HITEN S. VENEGAVKAR, JJ.
DATE : 17th APRIL, 2026**

P.C. :-

1. Heard the submissions of the learned Advocate for the Petitioners, the learned Additional GP/AGPs, and the learned Advocate for the Pune Zilla Parishad.

2. The learned Advocate for the Zilla Parishad has prepared a ready reference chart (6 pages), indicating minute details of each of these Petitioners. We appreciate the efforts taken by the

learned Advocate, Mr. Gavand, and the said compilation is taken on record and marked as 'X' collectively for identification.

3. The learned Senior Advocate, Mr. Pakale, submits that, considering that the Academic Year 2025-2026 is almost over, the prayers put forth may be considered for the Academic Year 2026-2027.

4. In all these cases, the grievance of the Petitioners is with reference to Clause 1.9 (Clauses 1.9.1 to 1.9.7) of the Government Resolution dated 18.06.2024, which permits couple convenience transfer of couples, where both are working in the Zilla Parishad or in different Zilla Parishads, or where either spouse is employed with the Government of Maharashtra, the Central Government, or any State/Central instrumentality, public sector undertaking, or State or Central Government-funded institution.

5. Mr. Pakale submits that the chart at Pages 81-82 of the Petition paper-book indicates, in the fourth column, the existing distance from the place of the spouse, and in the eighth column, the distance between the Petitioners and their spouses. This, according

to him, clearly demonstrates that all these Petitioners have been posted at far-off/distant places. The distance ranges between 100 to 180 kilometres, whereas the requirement under the Government Resolution is 30 kilometres.

6. Mr. Gavand submits that all these transfers are in tune with the 30 options exercised by the Petitioners. The **Teacher Transfer Management System** is a software operating without human intervention. The software mechanically selects the nearest place to the spouse based on distance and, the postings are made depending on the availability of posts, subject-wise, language-wise, and seniority-wise.

7. We can clearly see that this is a herculean task for the Zilla Parishads as well as the State Government. This is a phenomenal exercise involving the transfer of more than one lakh teachers across various District Zilla Parishads in the State of Maharashtra. For the present, in the Pune Zilla Parishad alone, about four thousand teachers were liable for transfer in the Academic Year 2025-2026.

8. We find from the Government Resolution, and it is beyond debate, that couple convenience based on Clause 1.9 thereof, is a facility which can be extended only insofar as it is possible, practicable, and feasible. Subject-wise, language-wise, and seniority-wise constraints may render it impracticable to post a particular teacher at a specific place while ensuring proximity to his/her spouse within a radius of 30 kilometres. This, in itself, is an onerous task to be undertaken by all Zilla Parishads.

9. The Petitioners are before us, after concurrent orders rejecting their requests by the CEO and the Divisional Commissioner. In the face of such concurrent findings, this Court can interfere only if it is found that the impugned orders are perverse, illegal, or such, as would shock the judicial conscience. Merely because a different view is possible, such orders cannot be branded as perverse (Read *Syed Yakooob vs. K. S. Radhakrishnan*, *AIR 1964 SC 477* and *Surya Dev Rai vs. Ram Chander Rai*, *AIR 2003 SC 3044 : (2003) 6 SCC 682*).

10. In view of the above, and since the Academic Year is nearing its end, we do not propose to interfere with the impugned

orders. Suffice it to say that, the Petitioners can file fresh physical applications within 15 days from today, on or before 30th April 2026, just in case, if the portal is non-functional. In the event these Petitioners are required to make online applications on the portal, provided the portal is functional, such applications shall be made between 1st May, 2026 to 5th May, 2026. In which case, their physical applications can be discarded. However, if the portal is functional, such physical applications shall stand discarded.

11. Needless to state that, on the basis of Clause 1.9 of the Government Resolution and having regard to the aspects of possibility, feasibility, and practicability from all perspectives, if any of these Petitioners can be accommodated, or where the distance between their present posting and that of their spouse exceeds 30 kilometres, their cases may be considered for posting them closer to their spouses. If a couple is presently living together, and seeks a transfer to a place of choice, the same may be considered. Where their places of work are situated several kilometres apart, but they continue to reside together for convenience, their case may also be considered appropriately.

For example, both spouses may be working at points 'A' and 'B', which are 100 kilometres apart. For convenience, they may be residing at point 'C', being the midpoint between the two locations, thereby compelling each of them to travel 50 kilometres in opposite directions, each day, one way. Such cases are to be considered for being brought closer.

12. With the above directions, **this Petition is disposed off.**

(HITEN S. VENEGAVKAR, J.) (RAVINDRA V. GHUGE, J.)