



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

WRIT PETITION No.2652 OF 2025

Ku. Niravanti Natthuji Wath,
Aged 52 years, Occ. Service,
R/o. Ner Pinglai, Tq. Morshi,
Dist. Amravati.

: PETITIONER

...VERSUS...

1. State of Maharashtra,
Through Principal Secretary,
Department of Rural Development,
Mantralaya, Mumbai-32.
2. The Zilla Parishad, Amravati,
Through its Chief Executive Officer,
Camp, Amravati,
Tq. & Dist. Amravati-444 602.
3. The Education Officer (Primary),
Zilla Parishad, Amravati,
Tq. & Dist. Amravati.

: RESPONDENTS

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Mr. Harish Dangre, Advocate for Petitioner.
Ms. Hemlata Jaipurkar, Assistant Government Pleader for Respondent No.1.
Mr. M.A. Sable, Advocate for Respondent Nos.2 and 3.

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CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATE : 05th FEBRUARY, 2026.

ORAL JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally
by consent of parties.

2. The present petition assails the Government Resolution dated 18.6.2024 and the Difficult Area Round – Teachers List issued by the respondent Nos.2 and 3. It also seeks quashing and setting aside the Transfer Order dated 31.12.2024 issued by the respondent No.2 Chief Executive Officer, Zilla Parishad, Amravati.

3. This Court vide order dated 13.5.2025 while issuing notices to the respondents by way of an interim order directed that the petitioner should not be relieved from duty. The affidavit-in-reply have been filed and then the petitioner has filed Civil Application (CAW) No.2150/2025 praying for interim order so as to allow the petitioner to work at Zilla Parishad, Prathamik/Purva Madhyamik Shala Nerpinglai, Panchayat Samiti, Morshi, District Amravati till disposal of the petition since according to her, she has not been relieved from the said position.

4. We have heard Mr. Harish Dangre, learned counsel for the petitioner and Ms. Hemlata Jaipurkar, learned Assistant Government Pleader for the respondent No.1 and Mr. M.A. Sable, learned counsel for the respondent Nos.2 and 3.

5. Mr. Harish Dangre learned counsel for the petitioner submits that identical controversy for consideration of this Court vide **Writ Petition 7287/2024 (Sangita Rajendra Hole and others Vs. State of Maharashtra and others and the companion Writ**

Petitions) vide judgment dated 16th January, 2026 we had already taken a view that Difficult Area Round – Teachers List is not in accordance with the said Government Resolution. Para Nos.6 and 7 of the said judgment we reproduced as under :

“6. After considering these columns, we are satisfied that there is no column wherein the 'teachers stayed in plain area' is mentioned. The learned counsel for the Zilla Parishad vehemently submitted that this list itself is stay-wise list. However, on perusal of the same, there is only heading 'current district joining date'. If any district is having plain area as well as difficult area, his date of joining in the district would not suffice to maintain the seniority list, but his joining date of school in plain area would be material to fix his seniority. If after joining in the district for some period in between, he was transferred to the difficult area and again brought to the plain area in that case the date of joining in the district may be of prior to ten years, but it cannot be treated as the date of joining in the plain area. As such, the list prepared would not be effectively implemented, as it is not as per Clause 1.10 of the GR dated 07/04/2021. After going through the judgment of the Principal Seat of this Court in Writ Petition No.5456 of 2025 and other connected petitions (supra), it is clear that the difficult area is something different from the area unsuitable for lady teachers. It may be part of difficult area, but all difficult areas cannot be said to be unsuitable for lady teachers.

7. Now question only remains about transfer of teachers from plain area to difficult area and how ten years of service is to be calculated. As per their stay in plain area, their stay-wise seniority is required to be fixed. Though learned AGP and the learned counsel for the Zilla Parishad submitted that the column i.e. entry in 'current district joining date' itself is the date of joining in plain area. However, as discussed above, in the district where there are plain as well as difficult areas, then it has to be specifically mentioned that

when ten years of service of the teacher in plain area is completed. As per seniority after ten years where he has posted, transfer can be effected as per stay-wise seniority. Unless that is not specifically mentioned, it cannot be said that clause 1.10 is effectively implemented. Even on perusal of GR dated 07/04/2021, the information to be filled in as per Information Form-1 meant to be filled in by eligible teachers to be transferred no information is called on, since when the teacher is working in plain area. As such, the list prepared needs to be quashed and set aside and on the basis of the same, transfers cannot be effected. It is pointed out by the learned counsel for the Zilla Parishad that the portal is prepared by the Government and therefore, we have no role to play, except submission of information as provided by the teachers. In view of this, it is also necessary to issue directions to the State as well as Zilla Parishad to revise the seniority list by modifying the portal and by inclusion of column 'current joining date in plain area'. Accordingly, the writ petition is partly allowed."

6. The petitioner by way of civil application claims that she is not relieved from the said post from which she was transferred.

7. In our view, the controversy involved in the present petition is identically placed. We, therefore, pass the following order :

ORDER

(i) Writ Petition is disposed of in following terms.

(ii) The petitioner is directed to make a representation to the Chief Executive Officer, Zilla Parishad,

Amravati in view of the judgment in Writ Petition No.7287/2024 within two weeks from the date of this order.

(iii) The respondent No.2 Zilla Parishad, Amravati to decide the said representation within two weeks thereafter. Till the said representation is decided by the said Authority, the order of status-quo directed by this Court vide order dated 15.10.2025 to continue till then.

(iv) Needless to mention that the respondent No.2 while deciding the representation should take into consideration the judgment of this Court in writ petition mentioned supra.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)