



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

WRIT PETITION NO. 5112 OF 2025

- 1) **Rajabhau S/o Vasantrao Wayal,**
Aged about 47 years, Occ: Service,
R/o Vasant Nagar, Post- Dawargaon,
Tah. Sindkhed Raja, District- Buldhana.
- 2) **Anil S/o Sitaram Sawdatkar,**
Aged about 45 years, Occ: Service,
R/o Sawangi Gawli, Panchayat Samiti,
Chikhli, Tah. Chikhli, Dist. Buldhana. **PETITIONERS**

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- 1) **The State of Maharashtra,**
Through Principal Secretary,
Department of Rural Development
and Water Conservation, Bandhkam
Bhavan 25, Mazban Path, Fort,
Mumbai – 4000 001.
- 2) **The Divisional Commissioner,**
Amravati Division, Amravati.
- 3) **Zilla Parishd, Buldhana,**
Through its Chief Executive Officer,
Tah. and District – Buldhana.
- 4) **The Education Officer, (Primary)**
Zilla Parishad, Buldhana,
Tah. and District Buldhana.
- 5) **Vinsis System, State Co-Ordinator
for Transfer of Zilla Parishad Teachers
year 2022,** Through Competent Authority,
office at Shivaji Niketan, Tejas Society,
Behind Kothrud Bus Stand,
Kothrud, Pune - 411 038. **RESPONDENTS**

Mr. R. B. Dhore, Advocate for the Petitioners.
Mr. A. S. Fulzele, Additional Government Pleader for
Respondent Nos.1 & 2.
Ms. H. N. Jaipurkar, Advocate h/f. Mr. B. N. Jaipurkar,
Advocate for Respondent Nos.3 & 4.

**CORAM : MRS. M. S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATE ON RESERVING THE JUDGMENT : 16.02.2026
DATE ON PRONOUNCING THE JUDGMENT : 23.03.2026

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
Matter is taken up for final hearing at the stage of admission by
consent and request of the parties.

2. By this Petition, the Petitioners are challenging the
transfer process of Teaching staff in Zilla Parishad, Buldhana for
the year 2025-26, being carried out in contravention of the
Government Resolution dated 18.05.2011, thereby
contemplating absorption of surplus teachers prior to taking up
transfer process.

3. The Petitioners submitted that they are 'Science'
subject teachers working in primary schools under Zilla

Parishad, Buldhana and belong to the District Technical (Class III) cadre under the relevant service rules. The Petitioners are seeking stay to the transfer process in view of the fact that 1st leg of the transfer process is being taken up from 28.04.2025 to 03.05.2025.

4. It is further contended that the State Government issued various policies regulating transfer of Zilla Parishad teachers, including the Government Resolution dated 18.05.2011, which requires that staffing pattern assessment, promotions, and absorption of surplus teachers must be completed before initiating the transfer process. For the year 2025–26, the Authorities initiated the transfer process in Buldhana district between 28.04.2025 and 03.05.2025 without first completing the promotion process and absorption of surplus teachers, as mandated by the policy and subsequent Government instructions.

5. Due to the new staffing pattern introduced for the year 2024–25, several teachers were declared surplus. However, instead of first absorbing these surplus teachers, they were

permitted to participate in the transfer process. As a result, such surplus teachers, being higher in the seniority list, obtained postings in schools that were preferred by the Petitioners, thereby placing the Petitioners at a disadvantage.

6. The Petitioners had submitted representations and objections to the Authorities regarding the illegality in the transfer process. However, no decision was taken on these representations before proceeding with the transfers.

7. The Petitioners contended that the transfer process was conducted in violation of the Government Resolutions, departmental instructions, and relevant Court orders, which required completion of promotions and absorption of surplus teachers prior to transfers. Aggrieved by the alleged illegalities and the loss of their preferred postings, the petitioners have approached the Court seeking appropriate relief and a stay on the ongoing transfer process in Buldhana district.

8. *Per Contra*, the learned Additional Government Pleader for Respondent made an oral submissions opposing the present petition and further relied on order and judgment

passed by this Court in **Writ Petition No. 5256 of 2025, Rupali Ratan Reshwal Vs. The State of Maharashtra and Another**, dated 21.01.2026.

9. Heard learned counsel for the parties at length, carefully examined the pleadings and documents on record, and duly considered the authorities relied upon by the respective parties.

10. It appears that there is a representation dated 26.08.2025, filed by the Petitioners to the Chief Executive Officer, Zilla Parishad, Buldhana, which was duly received by the Office of the Chief Execution Officer. In view of the pending representation, the petitioner seeks direction to the Respondent Authority to take a decision on the said representation.

11. It appears that there is no decision taken on the representation till today. In view thereof, the petition can be disposed of with direction to the Respondent No.3.

12. The Respondent No.3 – Chief Executive Officer, Zilla Parishad, Buldhana is hereby directed to take a decision on the

pending representation of the petitioner dated 26.08.2025, within a period of two weeks.

13. If the Petitioner aggrieved by the order of Chief Executive Officer, he would be at liberty to strictly follow the Clause 5.10.2 and further process shall be governed by the clauses as per Clause No.5.10 of the Government Resolution dated 18.06.2024.

14. The Petitioner shall not be disturbed from their present posting till the decision of Respondent no.3 on pending representation.

15. The Writ Petition stands disposed of in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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