



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

WRIT PETITION No.1921 OF 2026

Nilima W/o Pramendra Sarbere,
Aged 47 Years Occu. Service,
R/o. C/o. Zilla Parishad Marathi Primary School,
Borimahar, Panchayat Samiti Kalamb,
Dist. Yavatmal, : PETITIONER

...VERSUS...

1. The State of Maharashtra,
through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Zilla Parishad Yawatmal,
through its Chief Executive Officer.
3. The Education Officer (Primary),
Zilla Parishad Yawatmal. : RESPONDENTS

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Mr. P.S. Kshirsagar, Advocate for Petitioner.
Mr. S.V. Narale, Assistant Government Pleader for Respondent No.1.

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CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
DATE : 05th MARCH, 2026.

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

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the parties.
2. Issue notice to the respondents.

3. Mr. S.V. Narale, learned Assistant Government Pleader waives service of notice on behalf of respondent No.1.

4. In view of the order being passed, notice to the respondent Nos.2 and 3 is dispensed with.

5. As can be seen from the factual matrix stated in the petition that the petitioner is a Graduate Subject Teacher of the Maths and Science subject. In the transfer order, in the year 2025 the post of Science subject Teacher was shown vacant and the petitioner was accordingly transferred in the online process at the School of Borimahahal, Taluka Kalamb and was accordingly transferred by order dated 8.8.2025. Within six months thereafter respondent Zilla Parishad declared her Surplus at the said School.

6. On 13.2.2026 the petitioner raised an objection before the respondent Zilla Parishad. However, without deciding said objection the name of the petitioner continued in the list of Surplus Teacher. Therefore, the present petition is filed.

7. We heard Mr. P.S. Kshirsagar, learned counsel for the petitioner and Mr. S.V. Narale, learned Assistant Government Pleader for the respondent No.1

8. Learned counsel for the petitioner claims that the Government Resolution dated 18.5.2011 specifically contemplates

that the Senior-most Teacher would be declared surplus and would be absorbed. He relies on clause (3) of the said Government Resolution. It is the contention of the petitioner that the said clause (3) in the Government Resolution specifically confers a legal right on her.

9. Today, learned counsel counsel for the petitioner has tendered across the Bar a copy of seniority list which shows the name of the petitioner at Sr. No.5. She being the junior-most in the list. Therefore, the contention of the petitioner is that she could not have been shown surplus or transferred.

10. On going through the petition we find that the petitioner has already raised an objection and made a representation on 13.2.2026 praying that the petitioner may not be transferred as being declared surplus. The said representation is pending with the respondent No.3 Education Officer.

11. In that view of the matter, we are of the opinion that it would be in the interest of all concerned that the respondent No.3 should decide the said representation in accordance with law and more particularly in light of the Government Resolution referred supra.

12. We thus dispose of the petition with direction to the respondent No.3 to decide the said representation made by the

petitioner on 13.2.2026 as expeditiously as possible and in any case within two weeks from the date of this order.

13. The petitioner to appear before the respondent No.3 on 9th March, 2026.

14. Needless to mention that the said representation would be decided in accordance with law after granting an opportunity of hearing to the petitioner.

15. The petition is disposed of.

(NANDESH S. DESHPANDE, J.)

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