
(2025) 12 BOM CK 1689

In the Bombay High Court, Kolhapur Bench

Case No : Civil Writ Petition No. 11446 Of 2025

Balu Hariba Pradhan

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 09-12-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2025) 12 BOM CK 1689

Hon'ble Judges : M.S. Karnik, J;Ajit B. Kadethankar, J

Bench : Division Bench

Advocate : Aditya Raktade, S. B. Kalel, Kedar Lad

Final Decision : Dismissed

Judgement

Ajit B. Kadethankar, J

(1) Heard Mr. Aditya Raktade, learned Counsel for the Petitioners, Mr. S. B. Kalel, learned Assistant Government Pleader for the Respondent Nos. 1 and 2-State, and Mr. Kedar Lad for the Respondent Nos. 3 and 4-Zilla Parishad, Kolhapur. By consent of the parties the Petition is being disposed of inally at the admission stage.

(2) SUBJECT MATTER:

(2.1) The Petitioners are teachers working in the primary schools under the services of the Respondent No. 3-The Chief Executive Oicer, Kolhapur Zilla Parishad. All the Petitioners hold the post of Kendra Pramukh [Cluster Head]. The Petitioners challenge their transfers from one Taluka to another Taluka in the Kolhapur District.

(3) FACTS IN BRIEF:

(3.1) By an administrative order dated 22nd May 2025 issued by Respondent No. 3, (i) Petitioner No. 1 was transferred from Chandgad Taluka to Gadhinglaj Taluka; (ii) Petitioner No. 2 was transferred from Shahuwadi Taluka to

Hatkanangale Taluka; and (iii) Petitioner No. 3 was transferred from Chandgad Taluka to Shahuwadi Taluka.

(3.2) These transfers are stated to have been effected to meet administrative exigencies. The Petitioners however contend that the post of Kendra Pramukh stands excluded from district-level transfers and that the impugned orders have been issued in contravention of the Government Resolution dated 15th May 2014. On this basis, the Petitioners initially recorded their protest against the said transfer orders before Respondent No. 3, and later filed an appeal to the Respondent no.2.

(3.3) However, Petitioners' objections have been turned down by the Respondent Nos. 2 and 3. The Petitioners have already joined at the transferred places, however recording their protest. Vide present Petition the Petitioners sought to convince that they could not have been transferred in view of the Government Resolution of 2014.

(4) Petitioner's Argument:-

(4.1) Mr. Aditya Raktade, learned Counsel for the Petitioners submits that the Petitioners, have even joined their respective places of transfer under protest. The Petitioners further submit that they preferred appeals on 28th May 2025 challenging the transfer orders. However, as the said appeals came to be dismissed by Respondent No.

2 vide order dated 12th August 2025, the Petitioners are constrained to approach this Court by way of the present Petition.

(4.2) Mr. Aditya Raktade would submit that the Petitioners squarely fall within the definition of Primary Teachers as contemplated under Clause 1(d) of the Government Resolution dated 15th May 2014. He submits that Class-C employees, including Primary and Secondary Teachers are expressly excluded from administrative transfers under the said Government Resolution.

(4.3) Mr. Aditya Raktade, would submit that Respondent No. 3 effected the transfers under the mistaken impression that the post of Kendra Pramukh does not fall within the definition of a Primary Teacher.

(4.4) As such, Mr. Aditya Raktade, learned Counsel for the Petitioners, submits that the transfer orders, as well as the orders passed by Respondent No. 3 on 22nd May 2025 and 12th August 2025, are liable to be quashed and set aside those being contrary to the Government Resolution dated 15th May 2014.

(5) Respondent's argument: -

(5.1) Mr. S. B. Kalel, learned Assistant Government Pleader, however submits that the Petition is misconceived. He further submits that the Petitioners have failed to bring on record certain relevant facts as well as the subsequent policies adopted by various Zilla Parishads pursuant to the instructions issued by the Rural Development Department, Government of Maharashtra.

(5.2) Mr. S. B. Kalel, learned Assistant Government Pleader submits that the Petitioners had in fact voluntarily joined at their respective places of transfer on 31st May 2025, and therefore they are now estopped from challenging the transfer orders.

(5.3) Mr. S. B. Kalel, further submits that transfer is an incidence of service, and no interference is warranted unless the order is passed by an incompetent authority, is in violation of statutory rules, or is actuated by mala fides.

(5.4) Mr. S. B. Kalel also submits that the subsequent Government Resolutions dated 7th April 2021 and 18th June 2024 expressly excluded the post of Kendra Pramukh from the definition of Primary Teachers, thereby rendering their transfers fully permissible.

(5.5) Mr. S. B. Kalel, learned Assistant Government Pleader lastly submits that the Petitioners have suppressed the fact that the Government Resolution dated 15th May 2014 was subsequently amended by a corrigendum dated 23rd May 2025 which frustrates the instant Writ Petition. In view of this, he submits that the present Petition deserves to be dismissed.

(5.6) We have also heard Mr. Lad, learned Counsel for Respondent Nos. 3 and 4, Zilla Parishad, Kolhapur, who aligns his arguments with those advanced by Mr. Kalel, learned Assistant Government Pleader.

(6) CONSIDERATIONS AND OBSERVATIONS:

(6.1) After hearing the parties at length, we find that the Petitioners' entire case is premised on their reliance upon the Government Resolution dated 15th May 2014. It is however true that the Petitioners joined their respective transferee posts, but recording that the joining report was submitted subject to the decision on the grievance they had filed before Respondent No. 2.

(6.2) It is a matter of fact that the Government Resolution dated 15th May 2014 was subsequently amended by a corrigendum dated 23rd May 2025. We find merit in the submissions of Mr. Kalel, learned Assistant Government Pleader, as well as Mr. Lad, learned Counsel for Respondent Nos. 3 and 4, that the Government Resolutions dated 7th

April 2021 and 18th June 2024 expressly exclude the post of Kendra Pramukh from the definition of Primary Teachers.

(6.3) The corrigendum dated 23rd May 2025 aligns with the same position. It is not the case of the Petitioners that there is any punitive

element in the impugned transfers. Respondent Nos. 3 and 4 have submitted that the Petitioners had served for at least ten years in the same Taluka, and therefore there was no impediment to transferring them in accordance with the rules governing the transfers of Zilla Parishad employees.

(6.4) We agree with the submissions advanced by Mr. Kalel as well as Mr. Lad,

that no employee has a vested right to remain in a particular post, at a particular place, or within a particular Taluka for an indefinite period.

(6.5) It has been brought on record by the Respondents that all other Kendra Pramukhs who have been transferred from one Taluka to another have unconditionally joined their respective posts without raising any challenge. While considering the prayers of the Petitioners, we do not deem it necessary to place reliance on the additional argument advanced by the Respondents that the Petition ought to be dismissed on this ground alone.

(6.6) To test the Petitioners' case on its own merits as we are doing now, it is noted that the Petitioners have not alleged any violation of the principles of natural justice, nor have they contended that there is any arbitrariness in the impugned transfer orders. The Petitioners' case rests entirely on their reliance upon the Government Resolution dated 15th May 2014 and their submission that the post of Kendra Pramukh falls within the definition of 'Primary/Secondary Teachers'.

(6.7) Looking into the Government Resolutions dated 7th April 2021, 18th June 2024 and the Corrigendum dated 23rd May 2025, we find no error in the observations made by Respondent No. 3 as well as Respondent No. 2. We find that those authorities rightly held that the Government Resolutions dated 7th April 2021 and 18th June 2024, along

with the corrigendum dated 23rd May 2025, prevail over the Government Resolution dated 15th May 2014, thereby rendering the post of Kendra Pramukhs transferable.

(6.8) Under service jurisprudence, transfer is an incident of service. True that unless a transfer is effected by an incompetent authority, or by a colorable exercise of power, or is actuated by mala fides, or is in contravention of any statutory provisions, this Court would not ordinarily exercise its jurisdiction under Article 226 of the Constitution of India to question the legality or validity of such a transfer.

(6.9) The Petitioners have miserably failed to demonstrate how the impugned transfers warrant interference by this Court for any reason, as noted above. There is, therefore no illegality in the impugned transfer orders as well as in the orders passed by Respondent No. 3 dated 22nd May 2025 and 12th August 2025.

(6.10) The transfers merely involve movement from one Taluka to another within the same district. The Petitioners have failed to demonstrate any extraordinary circumstances or exceptional inconvenience that would justify challenging the impugned transfers under Article 226 of the Constitution of India.

(7) In view of this, we do not find merit in the Writ Petition, and it is liable to be dismissed.

(8) Writ Petition stands dismissed. No order as to costs.