

(2026) 01 BOM CK 1350

In the Bombay High Court, Aurangabad Bench

Case No : Writ Petition No.14946 Of 2025

Dipak Ramesh Bhise

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 14-01-2026

Acts Referred:

Citation : (2026) 01 BOM CK 1350

Hon'ble Judges : Hiten S. Venegavkar, J;Vibha Kankanwadi, J

Bench : Division Bench

Advocate : A.N. Ngargoje, Abhijit M. Phule, P.D. Suryawanshi

Final Decision : Disposed Of

Judgement

Hiten S. Venegavkar, J

1. Rule. Rule is made returnable forthwith. With the consent of the learned advocates appearing for the parties, the petition is taken up for final hearing at the stage of admission.

2. The present petition has been filed by the petitioners seeking quashing and setting aside of the orders dated 19.09.2025 and 16.10.2025 issued by respondent No. 3, and for a direction to respondents No. 3 and 4 to grant posting to the petitioners as per the preferences submitted by them during counselling held on 30.09.2025.

3. The case of the petitioners in brief is that they were initially appointed as Shikshan Sevaks in various Zilla Parishads, and upon considering their services were made permanent as Assistant Teachers. Petitioners No.1 to 5 were transferred from other districts under the inter-district transfer policy of the State Government, and at present all the petitioners are working under Zilla Parishad, Beed. It is submitted that respondent No. 1 initiated the general transfer process for the year 2025 by publishing a transfer program effective from 01.06.2025 up to 21.08.2025. As all the petitioners were due for transfer, they submitted their

information online along with their preferential choices as prescribed under the Government Resolution dated 18.06.2024 falling under category IV. It is further submitted that despite completion of four phases of transfer, the petitioners were not granted posting and were thereafter declared as "displaced teachers" by respondent No. 5 which is a private agency appointed by the State Government to conduct the online transfer process and submit recommendations to the respondent authorities. In all, 16 teachers, including the present petitioners were declared displaced. Subsequently, the Deputy Secretary of respondent No. 1 issued a letter dated 09.09.2025 informing all Zilla Parishad that the transfer process as per the Government Resolution dated 18.06.2024 has been completed in the sixth phase and that orders were issued accordingly by respondent No. 5. It was also clarified that if posts in difficult areas remain vacant, the respective Zilla Parishad in consultation with respondent No. 5 would consider whether a seventh phase was necessary. According to the petitioners, insofar as Zilla Parishad, Beed is concerned, there are no difficult areas, and therefore, the question of holding a seventh phase did not arise. The petitioners along with other displaced teachers, submitted an application dated 10.09.2025 to respondent No. 4 requesting posting as per clause 4.6 of the Government Resolution dated 18.06.2024. Thereafter, the Education Department decided to conduct counseling for displaced teachers. All the petitioners attended the counselling held on 30.09.2025 at Zilla Parishad, Beed. At the said counseling, respondent No. 3-the Chief Executive Officer of Zilla Parishad, Beed, and respondent No. 4-the Education Officer (Primary) were present. Vacant posts were displayed and offered to the petitioners, and the petitioners submitted their preferences on the basis of available vacancies.

4. The grievance of the petitioners arises from the subsequent order dated 16.10.2025 issued by respondent No. 3, whereby despite reference to the counselling, the petitioners were informed that their online transfers had been affected and they were posted to Zilla Parishad Primary School at Majalgaon. The petitioners contend that they never opted for such posting and that the same is contrary to the preferences submitted during counselling and violative of the Government Resolution dated 18.06.2024. Representations dated 17.10.2025 and 29.10.2025 were submitted to respondent Nos.3 and 4, pointing out that the seventh phase was not applicable and requested posting as per the counseling preferences. However, no action was taken. It is asserted that, even as on date, posts in the preferred Zilla Parishad indicated by the petitioners are lying vacant.

5. The learned advocate appearing for petitioners argued that the Government Resolution dated 18.06.2024 mandates that teachers be given posting as per their preferences if such posts are vacant. It is only when the preferred post is not available that a teacher can be treated as displaced and posted elsewhere. It was contended that petitioners submitted preferences during counseling strictly on the basis of vacancies shown by respondents No. 3 and 4, and therefore, once these posts were available, the petitioners ought to have been posted accordingly. Posting them to different Zilla Parishad is arbitrary, illegal, and in

clear breach of the state transfer policy.

6. During the course of hearing, Learned advocate for respondents No. 3 and 4 was specifically queried by us on 12.01.2026 as to whether the posts preferred by the petitioners during counseling are lying vacant? On instructions, today, it was fairly stated by the advocate for respondents No. 3 and 4 that, insofar as petitioners No. 1 to 5 are concerned, the posts opted by them are still vacant and available. However, as regards petitioner No. 6, it was stated that the preferred post is no longer vacant. A letter issued by the Block Education Officer, Panchayat Samiti, Beed addressed to the Education Officer was tendered in support of his submission.

7. In view of the aforesaid admitted position and without entering into the wider merits of the controversy, we are inclined to grant partial relief. Since the preferential posts chosen by petitioner No. 1 to 5 during counseling are admittedly vacant, there is no justification in denying them posting to those posts.

8. Accordingly, respondent authorities are directed to transfer petitioners No. 1 to 5 to the posts opted by them at the time of counseling held on 30.09.2025. The said exercise shall be completed within a period of three weeks from today.

9. Insofar as petitioner No. 6 is concerned, since the preferred post is no longer available, respondent authorities are directed to consider his claim for posting at nearby Zilla Parishad where a vacancy is available or as and when a suitable vacancy arises in accordance with law and the applicable Government Resolution.

10. The rule is made absolute in above terms. The writ petition is partly allowed and disposed of accordingly. There shall be no orders as to cost.