IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.392 OF 2026
WITH
CONTEMPT PETITION NO. 131 OF 2026
IN
WP/392/2026

1. Balasaheb Venkati Doke,
Age : 50 Years, Occupation : Service,
R/o: Z.P.P.S., Varkhed, Tq. Nanded,
Dist. Nanded

2. Shrihari Digambar Munde,
Age : 49 Years, Occupation : Service,
R/o: Z.P.P.S., Anandwadi Gokunda,
Tq. Kinwat, Dist. Nanded

3. Sudhakar Manikreddy Dharmaji
Age : 50 Years, Occupation : Service,
R/o : Z.P.P.S., Rudrapur, Tq. Biloli,
Dist. Nanded

4. Fahimullah Sanaullah Khan,
Age : 48 Years, Occupation : Service,
R/o : Z.P.H.S., Kinwat, Tq. Kinwat,
Dist. Nanded

5. Ashok Gulabsingh Chavan,
Age : 50 Years, Occupation : Service,
R/o: Z.P.P.S., Bhojani Talav, Tq. Mahur,
Dist. Nanded

6. Smt. Jyoti Angadrao Alkatwar
Age : 52 Years, Occupation: Service,
R/o: Z.P.P.S., Navi Aabadi, Hadgaon,
Tq. Hadgaon, Dist. Nanded

7. Sanjay Chapatrao Yerme
Age : 49 Years, Occupation : Service,
R/o: Z.P.P.S., Zendapuri, Tq. Kinwat,
Dist. Nanded

8. Gangaram Prabhanna Sabnedwar

Age : 51 Years, Occupation : Service,
R/o: Z.P.P.S., Waghala, Tq. Umari,
Dist. Nanded

9. Nagesh Madhavrao Awarde
Age : 54 Years, Occupation: Service,
R/o : Z.P.P.S., Umari, Tq. Ardhapur,
Dist. Nanded.

10. Suresh Pandhari Munneshwari
Age : 54 Years, Occupation : Service,
R/o: Z.P.P.S., Bhilanaik Tanda,
Tq. Kinwat, Dist. Nanded. **... Petitioners**

VERSUS

1. State of Maharashtra
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai – 32.

2. Divisional Commissioner,
Chh. Sambhajinagar Division (Revenue),
Chh. Sambhajinagar.

3. Chief Executive Officer,
Zilla Parishad, Nanded,
Dist. Nanded. **... Respondents**

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Mr. Mahesh Deshmukh h/f. Mr. U. B. Gite, Advocate for Petitioners.
Mr. S. P. Joshi, AGP for Respondent Nos.1 and 2.
Mr. S. B. Pulkundwar, Advocate for Respondent No.3.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th JUNE 2026

JUDGMENT :

1. The petitioners impugn order dated 01.01.2026 passed by Chief Executive Officer, Zilla Parishad, Nanded, whereby,

referring to provisions of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964, the benefit extended in favour of petitioners owing to their inclusion in Special Category Teachers, Cadre-I has been withdrawn and they are transferred to the respective places specified in impugned order.

2. The petitioners are teachers working in different schools run by Zilla Parishad, Nanded. On 18.06.2024, the Rural Development Department issued a Government Resolution regarding transfer of Zilla Parishad teachers, formulating a policy. It provides for categorization of teachers. A special category Cadre-I of teachers has been formulated as per Clause No. 1.8.3, who underwent “Heart Surgery”. Clause No. 4.2.2 provides that teachers from Category Cadre-I can be transferred only on their request. Such teachers are required to submit self declaration in prescribed form along with requisite certificate issued by the competent authority to classify themselves as Special Category Teachers, Cadre-I.

3. In February 2025, applications together with certificates of concerned teachers for their inclusion in Special Category Teachers, Cadre-I were called. The petitioners submitted their applications and declarations, together with medical

certificates stating that they had undergone heart surgery, and sought inclusion in Special Category Teachers, Cadre-I. Accordingly, the process of transfers of 2025 was completed by the Zilla Parishad. However, on 08.08.2025, the Government issued a circular addressed to Chief Executive Officers of Zilla Parishads explaining that only teachers, who have undergone Bypass surgery, Open Heart surgery or Implant surgery, are entitled to be categorized as Special Category Teachers, Cadre-I, and those teachers, who underwent Angioplasty are not entitled for inclusion in said category.

4. In light of aforesaid communication, the verification of teachers categorized as Cadre-I was undertaken. The concerned teachers were called upon for verification of their documents, including medical certificates. On 04.11.2025, the Chief Executive Officer issued show-cause notices to petitioners and similarly situated teachers, to show cause as to why action should not be taken against them for giving misleading information regarding their heart surgery, as they went undergone Angioplasty, but declared themselves as having undergone heart surgery.

5. The petitioners submitted their replies justifying their declarations. However, without considering their justification,

impugned order is passed, whereby petitioners are transferred to their respective places by withdrawing the benefit given to them treating as Special Category Teachers, Cadre-I.

6. Mr. Mahesh Deshmukh, learned Advocate appearing for petitioners would submit that Respondent No. 3 - Chief Executive Officer has no authority to pass impugned order in terms of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964. The Government Resolution dated 18.06.2024 provides the benefit to Cadre-I teachers, who have undergone heart surgery. The clarificatory letter dated 08.08.2025 excluding Angioplasty from the term "heart surgery" is without justification or jurisdiction and cannot form the basis to call an explanations from the teachers or to take further action against them. Even otherwise, the transfer process, which was concluded before the date of issuance of clarificatory circular dated 08.08.2025, could not have been disturbed, and could have been given prospective effect. The petitioners were already exempted from transfer in concluded transfer process of 2025. Therefore, the action against them is arbitrary and illegal.

7. Per contra, Mr. S.B. Pulkundwar, learned Advocate appearing for Respondent No. 3, raised preliminary objection for

entertaining present Writ Petition on the ground that petitioners have an alternate and efficacious remedy in terms of Government Resolution dated 18.06.2024, particularly referring Clauses No. 5.10.1, 5.10.2, 5.10.3 and 5.10.4. He would further submit that petitioners had submitted misleading information posing that they have undergone heart surgery and obtained exemption from transfer in terms of Government policy under Clause Nos. 4.2.2 and 4.2.8. According to Mr. Pulkundwar, action under impugned order is not punishment under the Maharashtra Zilla Parishad District Services (Discipline and Appeal Rules), 1964, but only a corrective step taken on verification of classification of teachers. Relying upon the observations of this Court in case of ***Maharashtra Rajya Shikshak Parishad Prathamik Vibhag v. The State of Maharashtra*** in Writ Petition No.11788 of 2025, decided on 23.09.2025, he submits that petitioners may avail the remedy provided under Clauses 5.10.2 and 5.10.3 before the Divisional Commissioner. He would further submit that transfer is the prerogative of authorities concerned. Unless it is shown that the transfer is vitiated by *mala fides or* contrary to statutory provisions, or passed by an incompetent authority, judicial review in writ jurisdiction would not be warranted.

8. Having considered submissions advanced by learned

Advocates appearing for respective parties and on perusal of material tendered into service, it can be observed that on 18.06.2024, Respondent No.1 - The State of Maharashtra, through its Rural Development Department, came out with a refined policy for transfers of Zilla Parishad teachers. It provides for classification of teachers. A special class of teachers has been created to secure the interests of physically impaired teachers, and they are granted exemption from regular mode of transfer. Clause No. 1.8.3 includes teachers who have undergone heart surgery in Special Category Teachers, Cadre-I. Clause No. 4.2 deals with provisions applicable to Special Category Teachers, Cadre-I . Clause 4.2.2 stipulates that, Cadre-I teachers can be transferred only upon their request. If their names are included in the list of teachers liable for regular transfer, they are required to submit a self-declaration in Form No.3 along with a medical certificate issued by the competent authority.

9. In present case, petitioners submitted such declarations along with medical certificates which shows that they had undergone Angioplasty. Eventually, they were exempted from regular transfer considering them as Cadre-I teachers during the process of transfer of 2025.

10. It appears that the Deputy Secretary of Respondent No.1 issued a communication dated 08.08.2025 explaining the term "Heart surgery" as Bypass surgery, Open heart surgery or Implant surgery only. It clarifies that the “Angioplasty” would not be considered as heart surgery for the purpose of benefit under Clause 1.8 of the Government Resolution dated 18.06.2024.

11. Pursuant to aforesaid communication, re-verification of teachers included in Cadre-I was undertaken. Since petitioners were not compliant with definition of "heart surgery", they were issued show-cause notices, consequently, they were removed from Category-I and subjected to general transfers by giving postings at places mentioned in impugned order.

12. The Government policy promulgated under Government Resolution dated 18.06.2024 takes into account various factors while effecting transfers of teachers. A special class of teachers, who have suffered serious ailments has been created, and care is taken that they are not subjected to regular transfers so that they shall not suffer discomfort owing to their physical conditions. The list of ailments is stipulated in Clause No. 1.8 to 1.8.8. Apparently, teachers, who are suffering from serious ailments like cancer, brain diseases, thalassemia, paralysis, kidney

diseases, and heart diseases are given special benefit. Clause No. 1.8.3 specifically deals with teachers, who have undergone heart surgery.

13. The surgical process, in a broad sense, usually means cutting open the body with a scalpel under general anaesthesia. The angioplasty is procedure which can be done through a small puncture in the groin or wrist using a catheter, without any large cut or stitches. It does not require opening of body cavities and medically known as percutaneous coronary interventions and not cardiothoracic surgery.

14. Therefore, the communication dated 08.08.2025 clarifies that angioplasty cannot be equated with heart surgery for granting the benefit available to Cadre-I teachers under the Government Resolution dated 18.06.2024. In present case, undisputedly, the petitioners have undergone the procedure of angioplasty. They cannot be equated with teachers who have undergone Bypass surgery, Open-heart surgery, or Implant surgery, who are proposed to be differently benefited by including them in Special Category Teachers, Cadre-I.

15. It is true that, in the present case, the petitioners

knowingly or unknowingly declared themselves as Special Category Teachers, Cadre-I, assuming that they had undergone heart surgery. Owing to their declaration, they were exempted from transfers. In light of clarification given by the Government in defining term heart surgery, the petitioners are not entitled to be classified as Special Category Teachers, Cadre-I. They were rightly issued show-cause notices before withdrawal of their categorization. Consequently, impugned order is passed treating them as teachers liable for regular transfer.

16. Although Mr. Mahesh Deshmukh, learned Advocate appearing for the petitioners, endeavours to contend that the petitioners are subjected to action under the Maharashtra Zilla Parishad District Services Discipline and Appeal Rules, 1964, his contention is not acceptable, as impugned order is not in the nature of disciplinary action, but simply withdraws the benefit of Special Category Teachers, Cadre-I bestowed upon petitioners and subjects them to transfer.

17. It is true that impugned order reserves the action contemplated under Rule 4 of the Maharashtra Zilla Parishad District Services Discipline and Appeal Rules, 1964 as the petitioners have wrongly taken the benefit of scheme by declaring

themselves as Special Category Teachers, Cadre-I. However, in no case the impugned order can be termed as disciplinary action. Apparently, it is a corrective step taken on re-verification of the petitioners' categorization in the special class of teachers under Cadre-I.

18. This Court finds that the petitioners were wrongly categorized on the basis of their declarations inconsistent with Government policy. The administrative action to correct categorization by withdrawing the benefit bestowed upon the petitioners by Chief Executive Officer is perfectly within the parameters of his jurisdiction.

19. In result, no case is made out to cause interference in impugned order in exercise of writ jurisdiction of this Court, the Writ Petition stands rejected.

20. In view of rejection of Writ Petition itself, Contempt Petition No. 131 of 2026 does not survive and is accordingly disposed of.

(S. G. CHAPALGAONKAR, J.)

Tandale