

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7976 OF 2014.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.K.Chavan, advocate holding for Mr.R.V.Gore, and Mr.G.J.Pahilwan, advocates for the Petitioner.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.
Mr.P.P.Dama, advocate for Respondent Nos.2 to 7.
Mr.Govind Wattamwar, advocate for Respondent No.8.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**
Date : 27.07.2015.

PER COURT :

1. Heard.
2. Mr.Chavan, learned counsel for the petitioner states that initially orders of transfer were issued on 12.8.2014. Thereafter, another transfer order on 14.8.2014 was issued. The said transfer order dated 14.8.2014 was implemented and the petitioner and Respondent No.8 pursuant to the said transfer order joined at the respective places. Thereafter, abruptly on account of some agitation, the transfer order dated 14.8.2014 is stayed vide order dated 27.8.2014. The learned counsel submits that the said stage was after the petitioners joined at the respective places vide order

dt.14.8.2014.

3. The learned counsel for the Respondent No.8 also adopts the arguments of the learned counsel for the petitioner and submits that the mutual transfer of the petitioner and Respondent No.8 is bonafide.

4. Mr.Dama, learned counsel for Respondent Nos.2 to 7 submits that the order of transfer dated 14.8.2014 was on account of political pressure on behalf of the petitioner. The association agitated against the same and as such order dated 27.8.2014 was passed granting stay to the order of transfer. On 12.8.2014, the order of transfer was issued in accordance with law. The order dt.14.8.2014 could not have been issued, the mutual transfer is sought on account of the illness of the son which is not permissible as per Government Resolution dated 18.5.2011. As such the order was properly stayed.

5. We had asked the learned counsel for the Zilla Parishad as to whether pursuant to the orders of transfer dated 14.8.2014, the petitioner and Respondent No.8 had joined at the respective places. The learned counsel on instructions states that the petitioners and Respondent No.8 are working at their transferred places as per order dated 14.8.2014.

6. We have also gone through the Government Resolution. The parties are governed by the subsequent Government Resolution.

7. For the said mutual transfer, the ground of the illness of son is not the one mentioned in the Government Resolution.

8. Be that as it may, as the petitioner and Respondent No.8 have already joined at the transferred places and are working after 14.8.2014 at the said places and today we are in the midst of the academic year, it will not be appropriate to unsettle them in the midst of the academic year.

9. Considering above, we set aside the order dated 27.8.2014, however, with the clarification that for the General Transfers to be effectuated for the academic year 2016-2017, the case of the present petitioner and Respondent No.8 can be considered for transfer. Of-course, the Respondent-authority may consider the representations given by the respective parties.

10. The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.27.07.2015.
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