

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9061 OF 2015

Balaji s/o Vaijnath Nagargoje
Age: 42 years, occu: Service as
Teacher, R/o. Khalangri,
Tal. Renapur, Dist. Latur.

- PETITIONER

VERSUS

- 1) The Principal Secretary
Sports and Education Department,
Mantralaya Mumbai-32.
- 2) Deputy Director of Education
Deputy Director Office,
Latur, Dist. Latur.
- 3) The Chief Executive Officer,
Zilla Parishad, Latur,
Dist. Latur.
- 4) The Education Officer,
Zilla Parishad, Latur,
Dist. Latur.
- 5) The Block Development Officer,
Panchyat Samiti, Renapur,
Tal. Renapur, Dist. Latur.
- 6) Rangnath s/o Limbraj Mudame,
Age: 40, occu: Service,
R/o. Kolgaon, Tq. Renapur,
Dist. Latur.

- RESPONDENTS

Mr.R.D.Biradar, Advocate for Petitioner;
Mr.V.S.Badakh,AGP for Respondents No.1 and 2;
Mr.S.S.Manale, Advocate for Respondents No.3 and 4;
Mr.Shrimant Mundhe, Advocate h/f. Mr. N.B.Gutte,
Advocate for Respondent No.6.

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 17th NOVEMBER,2015.

ORAL JUDGMENT (PER:-S.S.Shinde,J.)

1) Heard. Rule. Rule made returnable forthwith. With the consent of learned Counsel for the parties, the petition is taken up for final disposal at admission stage.

2) This petition is filed with following prayer,

“(B) Kindly be directed to Respondent No.3 to 5 petitioner be transferred from Shera, Zilla Parishad Primary School, Tal. Renapur District Latur to Kolgaon Zilla Parishad Primary School, Tal.Renapur District Latur, in place of Respondent No.6, who is serving at Kolgaon Primary School immediately.”

3) Learned Counsel appearing for the petitioner invited our attention to a Medical Certificate dated 24.6.2014 issued by Resident Medical officer, Govt. Medical College & Hospital, Latur (Exhibit-K, page 28 of compilation of the writ petition) and submits that wife of the petitioner, who is serving as Assistant Teacher, Zilla Parishad Primary School, Kolgaon, is

suffering from serious ailment. Learned Counsel for petitioner has also tendered across the Bar a Certificate/Short case record in respect of the petitioner issued by Government Medical College, Latur, which is taken on record and marked as "X" for identification, which indicates ailment suffered by the petitioner. It is further submitted that the petitioner and his wife, who is serving at Kolgaon, are residing at Latur for their medical treatment. It is submitted that since the petitioner is serving at Shera and his wife is serving at Kolgaon, they are facing inconvenience and, therefore, in the peculiar facts of this case, the counsel appearing for the petitioner submits that, directions may be issued to the concerned respondents to transfer the petitioner from Shera to Kolgaon.

4) Learned Counsel appearing for Respondent No.6 invited our attention to the averments in the affidavit in reply filed on behalf of Respondent No.6 and submits that, Respondent No.6 is serving at Kolgaon for more than ten years, and he is ready and willing to work at Shera, in case he is transferred at Shera.

5) Learned Counsel appearing for Respondents Nos.3 to 5 invited our attention to relevant Government Resolution and submits that, Respondent Nos.3 to 5 are not empowered to entertain the prayer of the petitioner for his transfer from village Shera to village Kolgaon and Respondent No.6 from Kolgaon to Shera, since both the villages are situated within the jurisdiction of same taluka, i.e. Renapur.

6) We have considered the submissions of learned Counsel appearing for the respective parties. With their able assistance, we have perused the pleadings raised in the petition, replies filed by Respondent Nos. 3 to 5 and 6. The petitioner has placed on record a copy of Medical Certificate showing the ailment suffered by the petitioner as also his wife. Upon perusal of medical certificate, it appears that, wife of the petitioner is suffering from serious ailment. In that view of the matter, in the peculiar facts of this case and in view of the fact that Respondent No.6 is ready and willing to work at village Shera, ends of justice would be met, if Respondent Nos. 3 and 5 are directed to transfer

the petitioner from Shera to Kolgaon and Respondent No.6 is transferred from Kolgaon to Shera. Hence, following order, -

O R D E R

(a) Respondent Nos. 3 to 5 are directed to transfer the petitioner from Kolgaon to Shera and Respondent No.6 be transferred from Shera to Kolgaon.

(b) The said arrangement shall continue till the general transfers are effected by the respondents;

(c) Respondent Nos.3 to 5 are further directed to comply this order as expeditiously as possible and preferably within a period of three weeks from today.

7) We make it clear that in the peculiar facts of this case, the aforesaid directions are issued and they are restricted to this case only.

8) The writ petition is disposed of. Rule is made absolute in the aforesaid terms with no order as to costs.

. Parties to act upon authenticated copy of this order.

sd/-
(P.R.BORA)
JUDGE

sd/-
(S.S.SHINDE)
JUDGE

bdv/