

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

WRIT PETITION NO. 9338 OF 2014

Pranita Panjabrao Parnere .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anand V. Patil (Indrale), Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri Y. K. Bobade, Advocate h/f Shri S. S. Tope, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 16TH FEBRUARY, 2015.

PER COURT :

. Mr. Patil, the learned counsel submits that, the vacancy is available at Aurangabad. The petitioner is working with Zilla Parishad Jalna as Shikshan Sevak. The petitioner is now a primary teacher. There are fourteen persons who have retired in the year 2014 and three persons would retire by 31st March, 2015. As such, there would be vacancies of seventeen persons at Aurangabad Municipal Corporation, Aurangabad. According to the learned counsel the petitioner can be accommodated in a school run by the respondent No. 4/corporation. Mr. Patil, the learned counsel submits that, similarly situated employees have

been considered by the respondent No. 4 and absorbed with the respondent No. 4.

2. The learned counsel for the respondent No. 4/Municipal Corporation submits that, the Divisional Commissioner has directed not to consider the applications for transfer of Class III and Class IV employees from State Government, Municipal Corporation and other local bodies, even though the petitioner has received no objection from the Zilla Parishad, Jalna.

3. The reasons stated for not considering the case of the petitioner vide order dated 13.11.2014 is that, there are about thirty five teachers of private schools of Marathi medium and twenty teachers of Urdu medium that is total 55 teachers who are yet to be absorbed and no further absorption by transfer or by recruitment shall be made and as such considering the present position the case of the petitioner cannot be considered. It is pointed that, there are about seventeen retirements, of course, the respondent/corporation can consider absorbing the petitioner only if the vacancies arise and if the policy permits.

4. Considering the aforesaid aspects, we pass the following order.

5. The petitioner may make fresh representation to the

respondent No. 4/corporation for transfer/absorption with the respondent No. 4, which representation shall be considered by the respondent No. 4 considering the vacancies, its policy and all other relevant aspects and take decision on the said representation expeditiously by the end of May 2015. The writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 15