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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7059 OF 2014

Mrs. Bramhankar Bharti Bhalchandra, ,
Age 49 years, Occ. Service as Graduate Primary Teacher
working at Wamgan (Su), Tal. Surgana,
Dist. Nashik ... Petitioner

Versus

1. Zilha Parishad Nashik,
through Chief Executive Officer,
2. The Head Master,
ZP School Wamgaon (Su), Tal. Surgana,
Dist. Nashik
through Chief Executive Officer,
Zilla Parishad Nashik.
3. The State of Maharashtra,
through the Rural Development Dept,
to be served through G.P. (A.S.)
Bombay High Court.
4. The Divisional Commissioner,
Nashik Division, Nashik ... Respondents

Mr. Anilkumar Patil for the petitioner.

Mr. A.R. Kapadnis for respondent no. 1.

Mrs. .M.S. Bane, A.G.P. for respondent nos. 3 and 4.

CORAM : SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.
DATED : 20th JANUARY, 2015

ORAL JUDGMENT (Per Vasanti A. Naik,J.):

Rule. Rule made returnable forthwith. The Petition is heard finally
with the consent of the learned counsel for the parties.

By this petition, the petitioner impugns the order of the Chief Executive Officer, Zilla Parishad, Nashik dated 14th May, 2013 transferring the petitioner from BRC, taluka Nashik to Vangan. The Petitioner has also challenged the order of the Divisional Commissioner, Nashik Division, Nashik dated 19th May, 2014 rejecting the representation and appeal filed by the petitioner against the order of the Chief Executive Officer.

Inter alia, it is submitted on behalf of the petitioner that the impugned order of the Divisional Commissioner is liable to be set aside as the said order is sans reasons and does not consider the grounds raised by the petitioner in the appeal-representation against the order of transfer dated 14th May, 2013.

On hearing the learned counsel for the parties and on a perusal of the order of the Divisional Commissioner, it appears that the order is liable to be quashed and set aside. It is well settled that the authority deciding an appeal-representation, is required to give some reasons, if not many, while rejecting the appeal-representation. Several grounds have been raised by the petitioner against her transfer to Vangan but none of the grounds appear to have been considered by the Divisional Commissioner while rejecting the representation-appeal by the impugned order dated 19th May, 2014.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order of the Commissioner is quashed and set aside. The matter is remanded to the Divisional Commissioner, Nashik for a fresh decision on the appeal-representation filed by the petitioner as early as possible. The Petitioner undertakes to remain present before the Divisional

Commissioner on 2nd February, 2015. Rule is made absolute in the aforesaid terms with no orders as to costs.

(C.V. BHADANG,J.)

(VASANTI A.NAIK, J.)