

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10443 OF 2014**

Mrs. More Ramabai Chandrashekhar
Age: 42 yrs, Occ: Service as
Primary Teacher working at
Gadhaipada Tal: Peth,
Dist. Nashik
Versus

....Petitioner.

1 Zilla Parishad Nashik
Through Chief Executive Officer

2 The Head Master
ZP School Gadhaipada Tal:Peth
Dist. Nashik to be served 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 advocate for the Petitioner.
Mr. A.R.Kapadnis, advocate for respondent nos. 1 and 2.
Mr. Vikas Mali, AGP for the respondent nos.3 and 4.

**CORAM : SMT. VASANTI A.NAIK
& SHRI C.V.BHADANG, JJ.**

DATED : February 11, 2015.

ORAL JUDGMENT: (Per Smt. 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 challenges her transfer from Kokangaon, Taluka: Nifad to Gadhaipada Taluka: Peth by the order dated 15.5.2013.

It is stated on behalf of the petitioner that transfer order is bad in law as by the said order, the petitioner is transferred at a distance of 75 kms. from Kokangaon. It is stated that there is no direct bus facility to Gadhaipada. It is stated that the petitioner has to look after her old mother-in-law and, therefore, it would be difficult for her to reside along with her mother-in-law at Gadhaipada. It is submitted that the husband of the petitioner is working at Vadali as Cluster Head and the post of primary teacher is vacant at Dindori-1. It is stated that the petitioner may be accommodated at Dindori-1 school as the said school will only be at 30 kms from Vadali, where the husband of the petitioner is stationed

Mr. Kapadnis, learned counsel for the Zilla Parishad on instructions from Mr. S.R.Kekan, Superintendent, who is present in the Court today, admits that the post of primary teacher is vacant at Dindori-1 school. It is stated that the commissioner may be directed to consider the

claim of the petitioner for the transfer to the school at Dindori-1.

On hearing the learned counsel for the parties, it appears that instead of asking the commissioner to consider the claim of the petitioner for the transfer to Dindori-1 school, it would be necessary to direct the Zilla Parishad to accommodate the petitioner in the school at Dindori-1. The school at Dindori-1 falls in the tribal area and the petitioner can, therefore, fulfil the condition of working in the tribal area for three years if she is accommodated in the school at Dindori-1. Moreover, the school at Dindori-1 is only at a distance of 30 kms. from Vadali where the husband of the petitioner is working as cluster head. In the circumstances of the case, it would be necessary to accommodate the petitioner in the school at Dindori-1 specially when the petitioner has to look after her old mother-in-law.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order shall not have any effect from this date. The petitioner, who has joined at Gadhaipada should be permitted by the Zilla Parishad to join at Dindori-1 school within a period of three weeks.

Rule is made absolute in the aforesaid terms with no order as to costs.

(C.V.BHADANG, J.)

(MRS.VASANTI A.NAIK, J.)

