

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 398/2015.

Shri Kirankumar Shantaram latkar

-VERSUS-

Chief Exedcutive Officer, Zilla Parishad, Akola and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P.DHARMADHIKARI
AND S.B. SHUKRE, JJ.

DATE : APRIL 24, 2015.

Heard Shri S.V. Sohoni, learned Counsel for the petitioner, learned A.G.P. for respondent no.2 and Shri U.J. Deshpande, learned Counsel for respondent no.3. None appears for respondent no.1 though served.

2. Petitioner is aggrieved by cancellation of his transfer from Zilla Parishad Primary School, Patsul, Panchayat Samiti, Akola to Zilla Parishad Primary School, Kanshivini. Petitioner was transferred there vide order dated 14.05.2013. At that place i.e.

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Kanshivini, respondent no.3 was earlier functioning. She was transferred to a school at Nimba, Panchayat Samiti, Balapur. The transfer order issued to her mentions that the said transfer was on request. Respondent no.3 assailed that transfer before respondent no.2, and respondent no.2 (Additional Commissioner) has set aside that transfer after noticing that there was no such request by respondent no.2.

3. Petitioner was not party to those proceedings. However, because of orders of the Appellate Authority, respondent no.1 Zilla Parishad implemented those orders, brought back respondent no.3 to Kanshivini, and therefore, sent back petitioner to Patsul.

4. During arguments, Shri Deshpande, learned counsel has pointed out that husband of respondent no.3 is a cancer patient and undergoing treatment at Bombay and hence, affidavit in reply could not be filed. He states that respondent no.3 had given option when transfer orders were made in the year 2013, and if those options are looked into, proper positing is given to her in regular transfer, she may

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join there.

5. Shri Sohoni, learned counsel points out that respondent no.3 has put in about 16 years in that area in Panchayat Samiti, Akot, and is therefore, due to transfer from that Panchayat Samiti.

6. In this situation, without going into further niceties of the matter, we direct the respondent no.2 to consider the case of respondent no.3 for transfer in regular transfers to be ordered in April/May, 2015. Petitioner shall be transferred back from Patsul to Kanshivini, after transfer of respondent no.3 out of Patsul in those transfers.

7. With these directions, Writ Petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.