

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

WRIT PETITION NO.2956 OF 2014

**Shri Vilas Wasudeorao Bobde ..vs.. Divisional Commissioner,
Nagpur Division, Nagpur and ors**

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

Court's or Judge's order

**Shri P.N. Shende, counsel for the petitioner.
Shri C.N. Adgokar, AGP for R-1 & 3.**

CORAM

**: B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.**

DATE

: JANUARY 6, 2015.

Heard Shri P.N. Shende, learned counsel for the petitioner and Shri C.N. Adgokar, learned Assistant Government Pleader for respondent Nos.1 and 3. None appears for respondent No.2.

The submission of Shri Shende, learned counsel for the petitioner is, the petitioner has been transferred in the middle of academic year and only because of pending departmental enquiry. The petitioner has joined at transferred place and is working there.

Learned Assistant Government Pleader has pointed out that order of transfer is dated 13.9.2013 and it is already implemented. He further states

.....2/-

that respondent No.3 - Education Officer (Secondary), Zilla Parishad, Chandrapur, has been erroneously joined and the petitioner ought to have joined the Education Officer (Primary), Zilla Parishad as party respondent No.3.

After hearing learned counsel for the respective parties, we find that the said order of transfer was questioned on 15.1.2014 before this Court. This Court had issued notice on 1.7.2014 and there was no interim order granted.

Order dated 13.9.2013 shows that the petitioner was placed under suspension earlier when he was working at Bhadrawati. By this order, this suspension has been revoked, he has been reinstated and posted at Brahmapuri. Thus, it is not order of transfer simplicitor. Hence, norms relevant for examining validity of transfer order cannot be applied while judicially reviewing the said order. However, Shri Shende, learned counsel, submits that the departmental enquiry pending against the petitioner is already over.

In this situation, we direct the petitioner to submit appropriate representation to respondent No. 2 pointing out all these facts and making suitable request. If such representation is made within a period of two weeks from today, respondent No.2

shall consider it as per law within next four weeks.

With these directions and keeping all rival contentions open, we dispose of the writ petition. No costs.

JUDGE

JUDGE

!! BRW !!