

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

WRIT PETITION NO. 2695 /2014

(Minutai D/o Tukaram Wankar vs. Divisional Commissioner, Nagpur and others)

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

Court's or Judge's order

Mr. A.W.Paunikar, Adv. for the petitioner
Mrs. A. R.Taiwade, Asst.Govt.Pleaquer for Res.No.1
Mr H. A. Deshpande, Adv.for Respondent no.2
Mr M. U .Joshi i/by Shri P S Wathore, for Res.No.3

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATED : 30th March, 2015.

By this petition, the petitioner challenges the recommendation made by the Chief Officer, Zilla Parishad Gadchiroli to the Divisional Commissioner, Nagpur Division, Nagpur, dated 6.5.2013, for transferring the respondent no.3 to Sakhra and the approval granted by the Divisional Commissioner to the order of transfer.

The petitioner was working at Beenagunda as a Nurse and had sought her transfer to either Salebhatti or Bamni. Instead of transferring the petitioner from Beenagunda to Salebhatti or Bamni, it appears that the respondent Zilla Parishad erroneously passed an order on 14.11.2013 transferring the petitioner from Beenagunda to Sakhra. Before 14.11.2013, the respondent-Zilla Parishad, had sent a proposal dated 6.5.2013 to grant approval to the transfer of the respondent no.3 to Sakhra,

with a view to ensure that the husband and wife stay together in the nearby vicinity. The proposal of transferring the respondent no.3 to Sakhra, in view of the policy of the State Government, was accepted by the Divisional Commissioner and approval was granted to the said proposal by the impugned order dated 7th February, 2014. The Divisional Commissioner, however, rejected the proposal for transferring the petitioner from Beenagunda to either Salebhatti or Bamni. By the instant petition, the petitioner has challenged the proposal and the approval to the transfer of the respondent no.3 to Sakhra, where the petitioner is now posted.

We do not find, in the circumstances of the case, that the petitioner can effectively challenge the proposal and approval dated 6.5.2013 and 7.2.2014 respectively for transfer of the respondent no.3 to Sakhra. The respondent no.3 had requested her transfer to Sakhra as her husband was posted in the near vicinity of Sakhra. By accepting the request of the respondent no.3, the Zilla Parishad had sent the proposal of transferring the respondent no.3 to Sakhra, dated 6.5.2013, to the Divisional Commissioner. The Divisional Commissioner granted approval to the transfer of the respondent no.3 to Sakhra by an order dated 7.2.2014. The Divisional Commissioner did not grant approval to the transfer of the petitioner to Salebhatti, Bamni or, for that matter, even Sakhra. In this background, the petitioner cannot challenge the approval granted by the Divisional Commissioner to the transfer of the respondent no.3 to Sakhra, dated 6.2.2014.

In the circumstances stated herein-above, we dismiss the Writ Petition, with no order as to costs. However, we direct the Zilla Parishad to accommodate the petitioner either at Salebhatti, Bamni or any other vacant place, approved by the petitioner. The learned counsel for the Zilla Parishad fairly states that the Zilla

Parishad would point out the vacant post/s to the petitioner and the petitioner can be accommodated in any one of them, in view of the averments made in paragraph no.6 of the Writ Petition. We accept the statement made on behalf of the Zilla Parishad.

Order accordingly. No order as to costs.

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