

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

WRIT PETITION NO. 3451 OF 2013.

Dr. Kalpana d/o Narayanrao Pawar .vs. Rashtasant Tukdoji Maharaj Nagpur
University, Amravati & others

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

Mr. S.P. Bhandarkar, Advocate for petitioner,
Mr. P.B. Patil, Advocate for respondent no.1,
Mr. D.P. Thakare, Additional Government Pleader for respondent no.
2.
Mr. Abhay Sambre, Advocate for respondent nos. 3 to 5.

CORAM : B.R. GAVAI & C.V. BHADANG, JJ.

DATED : MARCH 12, 2015.

Though the petitioner had initially made certain allegations against the respondent nos. 3 to 5 while challenging her transfer order in the present petition, the petitioner has now filed a Pursis and withdrawn all the allegations levelled against the respondent nos. 3, 4 & 5. The same is taken on record and marked 'X' for identification.

The petition basically challenges the transfer from Shivaji Science College, Nagpur to college at Morshi.

Taking into consideration the fact that the petitioner is a woman, we had requested the learned Counsel for the respondent no.3 to consider posting the petitioner to a college at Nagpur.

The learned Counsel on instructions of the respondent no.3 has stated that the respondent no.3 is willing

to consider the request of the petitioner positively. However, at the moment, it is not possible because she is the only teacher teaching the subject concerned in the college at Morshi. It is, however, submitted that on account of non-approval of the roster points by the Competent Authority, the recruitment process cannot be completed and as such, at present no hands are available.

Day before yesterday when the matter was called out, Shri C.S. Kaptan, learned Senior Counsel for respondent no.3, had made a statement that as soon as the recruitment process is complete and as soon as the additional hands on the subject which is taught by the petitioner are available, the petitioner's request would be considered favourably provided that the petitioner withdraws all the allegations made against the respondent nos. 3 to 5.

As observed hereinabove, the petitioner has already filed the Pursis withdrawing all the allegations against the respondent nos. 3 to 5.

In that view of the matter, there is no impediment in considering the request of the petitioner for posting her to Nagpur as and when additional hand is available for posting at Morshi.

In that view of the matter, the petition is allowed. The statement made on behalf of the respondent no.3 that the petitioner would be considered positively for posting her at any of the colleges run by respondent no.3 and transferring her back to the college run by the respondent no.3 at Nagpur is treated as undertaking to this Court and the petition is disposed of on the basis of the said undertaking.

In so far as the salary for the past period if concerned, the petitioner would be entitled to make representation to the competent authorities, which representation would be considered in accordance with law.

Judge

Judge

J.