

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4449 /2015

(Shri Roopchand Jethuji Meshram vs. State of Maharashtra and others)

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

Mr. A.P.Chaware, Advocate for the petitioner
Mr. Nitin Rode, Asst.Govt.Pleader, Advocate for respondents 1 & 3

**CORAM : SMT. VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.**

DATED : 14th September, 2015.

Heard.

By this petition, the petitioner challenges the order of the Divisional Commissioner, Nagpur, dated 8.6.2015, partly allowing the representation filed by the petitioner and permitting the transfer of the petitioner to the vacant post at Koregaon in Desaignaj Panchayat Samiti.

The petitioner claims that the petitioner was working as a Driver in the Construction Department of Zilla Parishad, Gadchiroli. since the year 2005. The wife of the petitioner is working as a Nursery Teacher in Nagar Panchayat High School Gadchiroli, from 1990. By the transfer order dated 20.2.2014 the petitioner was transferred from Gadchiroli to Primary Health Centre, Todsa which, according to the petitioner, is at a distance of 200 kms. from Gadchiroli. According to the

petitioner, the petitioner could not have been transferred at a distance of more than 30 kms. from Gadchiroli where his wife is working and, therefore, the petitioner filed an Appeal against the transfer order before the Divisional Commissioner, Nagpur. On the request of the petitioner, the Divisional Commissioner permitted the transfer of the petitioner in Desaiganj Taluqa at the vacant post of Driver in Koregaon. The Commissioner directed that if the petitioner is not desirous of joining at Koregaon in Desaiganj Taluqa, he should be directed to join at Todsa, District: Etappally. The petitioner has challenged the order of the Divisional Commissioner by the instant petition.

On hearing the learned counsel for the parties and on a perusal of the order, it appears that the order cannot be interfered with in exercise of the writ jurisdiction. As per the Government Resolution dated 15th May 2014, it is necessary for the authorities to ensure that the husband and wife are placed at a distance of not more than 30 kms. Koregaon, where the post is vacant in Desaiganj Taluqa, is at a distance of 60-70 kms. from Gadchiroli. In fact, in the representation made by the petitioner to the Divisional Commissioner, the petitioner showed his inclination to join in Desaiganj Taluqa. The order appears to be just and proper. The Government Resolution does not mandate that the husband and wife should be placed at a distance of 30 kms. only. There are certain conditions prescribed in the Government Resolution and the distance between the posting for the husband and wife, as far as possible, should be less than 30 kms.

Since the order of the Divisional Commissioner appears to be just and proper, the Writ Petition is dismissed, with no order as to costs.

JUDGE

JUDGE

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