

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6645 OF 2015

Smt.Asha Ravikant Lanjewar

-vs-

The Chief Executive Officer, Zilla Parishad, Gondia and others

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

Court's or Judge's Orders.

Mr. P. N. Shende, counsel for the petitioner.
Mrs.M.H.Deshmukh, AGP for the respondent No.3.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 10.12.2015.

By this petition, the petitioner challenges the order of the Chief Executive Officer, Zilla Parishad, Gondia, dated 16/05/2015, transferring the petitioner from Kurhadi to Dasgaon in Gondia. The petitioner also challenges the order of the Divisional Commissioner dismissing the appeal filed by the petitioner against the order of transfer.

On hearing the learned counsel for the parties and on a perusal of the order of the Divisional Commissioner, it appears that there is no scope for interference with the impugned order. Though the petitioner claims that she is 53 years of age and the transfer is not as per the transfer policy, it appears that the petitioner has accepted her transfer to Dasgaon during the counseling on 18/05/2015. The petitioner was personally present at the counseling and the petitioner, after accepting her transfer to Dasgaon, had signed on the necessary documents. After the petitioner accepted the transfer to Dasgaon, the petitioner made a representation to the Chief Executive Officer on 19/05/2015 that during the counseling, she was not supplied with the proper

information in regard to the vacant post and the signature of the petitioner was secured on the acceptance form under duress. It would not be possible for this Court to consider, in exercise of the writ jurisdiction whether the signature of the petitioner was secured by coercion or under duress. If the petitioner did not desire that she should be transferred to Dasgaon, the petitioner should have objected for her transfer to Dasgaon at the time of counseling. The petitioner should also have, under protest, mentioned the names of three places where she could have been transferred in the general transfers. However, this was not done at the time of counseling and after the counseling was over, on the next day, the petitioner made a complaint in regard to the absence of knowledge about the vacant post in the Zilla Parishad. In exercise of the writ jurisdiction, the issue, as regards the coercion or undue influence, cannot be decided. The Divisional Commissioner has, on an appreciation of the material on record, found that the petitioner had duly accepted her transfer to Dasgaon during the counseling on 18/05/2015. Also, the petitioner was in the same Taluka for a period of more than 27 years and the said fact could be depicted from the appeal made by the petitioner to the Divisional Commissioner.

The writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE