

2. In pursuance of the directions given to the respondent - Education Officer, the learned Counsel appearing for the Education Officer has tendered across the Bar the copy of the seniority list. Upon perusal of the said seniority list, it appears that the name of the petitioner stands at Sr.No.459 and his date of birth has been shown as 28th February, 1994. The name of respondent

No.7 stands at Sr.No.780 and her date of birth has been shown to be 23rd December, 1996. In that view of the matter, it was incumbent upon the Education Officer to call the petitioner so as to exercise the option in respect of place of transfer prior to respondent No.7. However, it appears from the letter written by the Education Officer to the petitioner that since respondent No.7 is senior to the petitioner and respondent No.7 has already been accommodated at Borwati, the petitioner's claim cannot be considered. In fact, the contents of the letter dated 18th November, 2015 written by the Education Officer (Primary), Zilla parishad, Latur to the petitioner run contrary to the record inasmuch as, the petitioner is senior to respondent No.7.

3. The learned Counsel for respondent No.7 submits that the petitioner had exercised the option and given option for Tandulwadi and therefore, the petitioner cannot turn back and request for transfer at Zilla Prishad Primary School at Borwati. He further submits that the

seniority has nothing to do with the process of transfer and when the petitioner has exercised option for the Zilla Parishad Primary School, Tandulwadi, he is barred from further requesting for his transfer to the Zilla Parishad Primary School at Borwati.

4. Though the learned Counsel for respondent No.7 submits that the petitioner has exercised the option for Zilla Parishad Primary School, Tandulwadi, it appears that, left with no any other option, on 7th August, 2015, the petitioner has exercised the option for Tandulwadi. However, his representations dated 23rd July, 2014 and 26th May, 2015 make it clear that he has made grievance that though he is senior to respondent No.7, he was not called upon to exercise an option.

5. In that view of the matter, we direct the Education Officer (Primary), Zilla Parishad, Latur to consider the request of the petitioner for transfer at Zilla Parishad Primary School, at

Borwati or any other place of his choice; however, after hearing the petitioner and also respondent No.7. The learned Counsel for the petitioner and respondent No.7 assure this Court that both of them will appear before the respondent No.5 - Education Officer in his office on 22nd August, 2016 at 11 a.m. Respondent No.5 - the Education Officer (Primary), after hearing the petitioner and also respondent No.7 and keeping in view the relevant procedure for transfer and considering their convenience, may pass appropriate orders and communicate the same to the petitioner and respondent No.7, on or before 2nd September, 2016. The learned Counsel appearing for respondent - Zilla Parishad undertakes to communicate this order to the respondent - Zilla Parishad.

6. The petition stands disposed of in the above terms. Parties to act upon authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)