

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7382 OF 2015**Namdeo S/o Ganpat Jadhav Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.S.Shejwal, advocate for the petitioner.
 Mr.V.S.Badakh, A.G.P. for the State.
 Mr.S.S.Tope, advocate for Respondent Nos.2 to 4.
 Mr.S.V.Deshmukh, advocate for Respondent No.5.

**CORAM : S.V.GANGAPURWALA AND
 V.K.JADHAV, JJ.**

Date : 07.09.2016.

PER COURT :

1. Heard.
2. Learned counsel for petitioner states that since 23 years, the petitioner is serving at Zilla Parishad, Jalna. His brother is stationed at the Border and age old parents are residing at Beed. Request transfer was made to transfer the petitioner at Beed. The petitioner is working as Assistant Teacher in the Zilla Parishad School at Jalna. Considering all these aspects, the Education Officer has issued order of transfer. However, the Respondent did not join the petitioner. The learned counsel further submits that erroneously transfer order has been cancelled subsequently.

According to the learned counsel, the petitioner is Assistant Teacher in Mathematics subject and the post for the Assistant Teacher in Mathematics subject is vacant at Beed.

3. We have heard Mr.Tope, learned counsel for Respondent Nos.2 to 4.

4. Mr.Deshmukh, learned counsel for Respondent No.5 submits that large scale irregularities were committed by the C.E.O, while issuing transfer orders. Inquiry has been initiated. In fact, there are surplus teachers at Beed Zilla Parishad, no vacancy exist.

5. It is not disputed by the petitioners that he is not relieved from Jalna Zilla Parishad and is still working at his original place. We are in the midst of the academic year. It would not be appropriate to unsettle anyone in the midst of the academic year. Interest of justice would be sub-served by passing following order :

a) The petitioner shall apply for transfer during the next academic year i.e. for 2017-18. The Respondents shall consider the case of the petitioner for transfer in accordance with law, policy and the relevant Government Resolutions at the time of effecting General Transfer.

b) The Writ Petition is accordingly disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.07.09.2016.

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