

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9490/2016

Kishor S/o Suresh Chaudhari.

..Petitioner..

Versus

The State of Maharashtra & others.

..Respondents..

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Shri Amol Chalak, Advocate h/f S.B.Talekar, Advocate for the Petitioner.

Ms.R.P.Gour, AGP for Respondent No.1.

Shri H.P.Kshirsagar, Advocate for Respondent No.3.

Shri P.V.Tapse Patil, Advocate for Respondent No.5 (Absent).

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 15.11.2016

ORDER :

1] Mr.Chalak, learned counsel for the petitioner states that the petitioner had sought inter-District transfer from Zilla Parishad, Nandurbar to Zilla Parishad, Jalgaon. The same is not considered. The petitioner had

made out exceptional circumstances for transfer, which is permissible as per proviso to Clause 7 of the Government resolution dated 29.9.2011. The impugned communication was also not issued by the Chief Executive Officer, but is issued by the District Health Officer, who has no authority.

2] The learned counsel for the Zilla Parishad, Jalgaon, submits that the petitioner does not comply clauses of the policy and as such is not entitled to benefits of the same.

3] We have also heard the learned AGP.

4] The Government resolution dated 29.9.2011 lays down that a person seeking inter-District transfer has to complete five years service in a particular Zilla Parishad and only those who have completed five years continuous service, are entitled to claim inter-District transfer. The petitioner has completed one and half years. Proviso to Clause 7 relied upon by the petitioner may not come to the aid of the petitioner. However, it is for the petitioner to convince the authority.

5] Considering the above, the grievance of the petitioner cannot be considered. The petitioner may make

representation with the respondent no.3 afresh, which may be considered by the respondent no.3 on its own merits. Writ petition is disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)