

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10141 OF 2016

1. Baburao Narsing Madaswar
Age- 32 years, occu. Graduate Teacher
(Language) R/o Nandgaon Tandda,
(CPS), Jaldhara, Tq. Kinwat,
District Nanded.
2. Smt. Asha Sudarshan Adbalwar,
Age-32 years, Occu. Assistant Teacher,
R/o Zilla Parishad Primary School,
Shivpuri, Tq. Hadgaon, Dist. Nanded. ...PETITIONERS

versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded. ...RESPONDENTS

.....
Mr. C.R. Thorat, Advocate for Petitioners
Mr. S.B. Pulkundwar, AGP for respondent & respondents No. 2 and 3
.....

**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 5th OCTOBER, 2016.

ORAL JUDGMENT :- (Per: R.M. Borde, J.)

1. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final decision, at admissions stage.

2. Petitioners are praying for issuance of directions to respondents No. 2 and 3 for issuing their transfer orders in one school within tribal belt of Kinwat Ta. Kinwat. District Nanded considering the policy of Couple Convenience under Government Resolution dated 15-05-2014. Petitioners No. 1 and 2, who are husband and wife, are working as Assistant Teachers in Zilla Parishad Primary School in Nanded District. Petitioner No. 1 - husband is posted at Zilla Parishad Primary School Nandgaon Tanda, (CPS) Jaldhara Tq. Kinwat, District Nanded whereas petitioner No. 2 - wife is working in Zilla Parishad Primary School, at Shivpuri Ta. Hadgaon, District Nanded.

3. The petitioners are willing to serve in tribal area and, as such, request is made by petitioner No. 2 to transfer her at Zilla Parishad School Nandgaon Tanda (CPS) Jaldhara Ta. Kinwat, District Nanded, where petitioner No. 1 is posted or any other school of Zilla Parishad situated near Zilla Parishad School, Nandgaon Tanda (CPS) Jaldhara Ta. Kinwat, District Nanded. Request made by the petitioners is in consonance with policy adopted by respondents - authorities in respect of transfer of employees of Zilla Parishad under Government Resolution No. 15-05-2014.

4. Learned Assistant Government Pleader appearing for respondent – authorities and respondents 2 & 3, on instructions, submits that respondent – authorities do not have any serious objection for issuing directions in respect of transfer of respondent No. 2 in the school where petitioner No. 1 is posted or any other school of Zilla Parishad situate near Zilla Parishad School, Nandgaon Tanda (CPS) Jaldhara Ta. Kinwat,

District Nanded .

5. Considering the contentions raised by the petitioners, petition deserves to be allowed and same is accordingly allowed. Respondents No. 2 and 3 are directed to issue transfer order posting petitioner No. 2 in Zilla Parishad School Nandgaon Tanda (CPS) Jaldhara Ta. Kinwat, District Nanded, against available vacancy, where petitioner no. 1 is serving or any other school of Zilla Parishad situate near the Zilla Parishad School Nandgaon Tanda (CPS) Jaldhara Ta. Kinwat, District Nanded, as expeditiously as possible, preferably within a period of two weeks from today.

6. Writ petition is allowed in above terms. Rule is made absolute accordingly. There shall be no order as to costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[R.M. BORDE, J.]

MTK