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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE SIDE****WRIT PETITION NO. 3297 OF 2015**

Mr. Hajare Ravso Ramchandra ... Petitioner
 Versus
 The Chief Executive Officer, Zilla Parishad,
 Sangli ... Respondents

WITH
WRIT PETITION NO. 338 OF 2016

Mr. Bharat Ravasaheb Shejal ... Petitioner
 Versus
 The Chief Executive Officer, Zilla Parishad,
 Sangli ... Respondents

WITH
WRIT PETITION NO. 4381 OF 2016

Mr. Ankush Namdev Mane ... Petitioner
 Versus
 The State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION NO. 3296 OF 2015

Mr. Padulkar Kakaso Ishwara ... Petitioner
 Versus
 The Chief Executive Officer,
 Zilla Parishad, Sangli ... Respondents

Ms. S.S. Pakale a/w Mr. A.R. Belge for the petitioner in WP No. 3296/2015, WP No. 338/2016 and WP No. 3297/2015.

Mr. R.D. Rane for respondent nos.1 and 2.

Mr. Asif Patel, AGP for respondent No. 4.

**CORAM : SHANTANU KEMKAR &
 RANJIT MORE, JJ.
 DATED : APRIL 22, 2016.**

P.C.

1. Rule. Rule is made returnable forthwith. By consent of the parties, the matter is taken up for final hearing at the stage of admission itself and are being disposed of by this common order.
2. Heard learned counsel for the respective parties and the learned AGP for the State.
3. Petitioners who are primary teachers are seeking their inter-district transfer to Sangali Zilla Parishad. Petitioners admittedly belong to the category of NT-C. They are claiming their transfer as per Government Circular dated 29.09.2011 (Annexure "F") as amended vide amendment dated 18.10.2012 (Annexure "G"). According to the petitioners, State Government and the Zilla Parishad, Sangli have misinterpreted the amendment to the circular and have wrongly given preference to those teachers whose applications were pending prior to the coming into force the circular dated 29.9.2011.
4. Admittedly, the said circular is not under challenge in

any of the petitions. We have gone through the chart prepared by Sangli Zilla Parishad in regard to the proposed transfers. We have also gone through the affidavit filed on behalf of the State Government and Zilla Parishad stating therein that there are 46 vacancies in the category of NT-C and in terms of the amendment made to the said circular, 37 applications were prior to the issuance of the circular. However, during the course of hearing, it is revealed that last person namely Krishnadev Pinjari has wrongly been added in the said list of persons who are found to be eligible for transfer. Learned counsel for the respondents stated that as the application of Krishnadev Pinjari is of the year 2013, he will not come within the zone of consideration and as such no orders will be issued transferring him along with remaining 36 teachers. In the circumstances, we direct that the proposed transfer of Krishnadev Pinjari be not given effect to along with other 36 teachers on priority basis. However, on going through the original circular as also the amended circular, we find that the interpretation made by Sangli Zilla Parishad giving priority to the old pending applications cannot be said to be contrary to the original circular and amended circular, on the contrary, the same in our considered view is in consonance with the amendment made

in the circular. We also find that the interpretation appears to be just and proper and such interpretation is the purposive construction for the furtherance of the policy and if any other interpretation is given, the same would defeat the old applications which were in queue and the persons who had applied much subsequently, will march over the old applicants. In the circumstances, we find no merit in the petition. With the modification as regards the person mentioned at Sr. no. 37 (Krishnadev Pinjari), as discussed above, we dismiss the petition.

(RANJIT MORE,J.)

(SHANTANU KEMKAR, J.)