

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11037 OF 2016

Bairagi Seema Vitthal

...Petitioner

vs.

Zilla Parishad, Nashik and Others

...Respondents

Mr. Anilkumar Patil, for the Petitioner

Mr. A.R. Kapadnis, for Respondent No. 1.

Mrs. R.M. Shinde, AGP for Respondents-State.

CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.

DATE : **NOVEMBER 25, 2016**

PC.:

. Parties through their counsel.

2. The Petitioner was working on the post of “Primary Teacher” at Zilla Parishad Primary School, Village Kothure, Tal. Niphad, Dist. Nashik from where she was transferred to Zilla Parishad Primary School, Village Ambaner, Tal. Dindori, Dist. Nashik. Feeling aggrieved, the Petitioner submitted a representation. However, the said representation has been rejected. Challenging the said transfer and the order of rejection of his representation, the Petitioner has filed this Petition.

3. According to the Petitioner various grounds pointing out the difficulties in the said transfer order were raised in the representation but they are not considered in proper perspective. The case of the Petitioner is that her daughter aged 12 years is 100% blind and it is very difficult for the Petitioner to continue at the place where she has been transferred. It is also the case of the Petitioner that she has already completed 3 years of tribal service. It is her further ground that her husband is also working in the Zilla Parishad Primary School, Tal. Niphad and by the transfer of the Petitioner the distance between the Petitioner and her husband's place of service is about 50 km. There is no direct mode of travel for going to the place of her husband and the Petitioner has to walk a distance of about 4 km. The Petitioner has also pointed out that at the Zilla Parishad Primary School, Village Naitale, Tal. Niphad, Dist. Nashik there are two vacant posts where the Petitioner can be accommodated.

4. On the other hand, learned counsel for the Respondent No. 1 has supported the impugned transfer and the impugned order by which the Petitioner's representation has been rejected.

5. Having heard learned counsel for the parties, keeping in view the facts and circumstances of the case that the Petitioner's daughter is completely blind and is a minor girl aged 12 years, we are inclined to dispose of this Petition by directing Respondent No. 2 to consider the Petitioner's grievances afresh. We are aware of the fact that in Tribal areas there is always reluctance to serve, but in view of the facts and circumstances of this case as narrated above, we are passing this order. We hope and trust that Respondent No. 2 in these exceptional circumstances will consider either cancellation of the transfer order or to accommodate the Petitioner at the aforesaid places where there are vacancies.

6. The decision as aforesaid be taken within two weeks from the date of receipt of copy of this order.

7. The Petition stands disposed of as such.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)