

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Writ Petition No. 1523 of 2016
[Sau. Madhuri Kishor Kathane & another Vs. State of Mah. & another]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Shri A.K. Neware, Adv., for the petitioners.
Shri Nikhil, Asstt. Govt. Pleader for the respondent no.1.
Shri S. Majid, Adv., for Respondent No.2.

**CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.**

DATE : 27th April, 2016

By this Writ Petition, the petitioners seek a direction to the respondent no.1 - State of Maharashtra to implement the Circulars dated 28th October, 2013 and 22nd August, 2014 by extending the time for effecting mutual transfers.

According to the petitioners though they have applied to the respondent no.2 - Zilla Parishad for effecting mutual transfers in terms of the policy of the State Govt. as per the Circulars dated 28th October, 2013 and 22nd August, 2014, the respondent - Zilla Parishad has not effected the transfers of the petitioners till date. It is stated that as per the aforesaid Circulars, the transfers could have been effected only during the period from Diwali, 2014 to May, 2015. It is stated that

the time to effect mutual transfers should be extended and a direction in that regard should be issued to the respondents.

Shri S. Majid, the learned counsel for the respondent no.2, referred to the Affidavit-in-Reply filed on behalf of the respondent no.2, and submitted that the Govt. has issued a Circular dated 22nd April, 2016, thereby directing the Zilla Parishads to effect mutual transfers on district level between 5th May and 15th May and such mutual transfers are required to be made only as per the Resolution dated 15th May, 2014. It is stated by pointing out the Resolution dated 15th May, 2014, that while seeking a mutual transfer, an employee is required to reside in a Taluka for at least five years. It is stated that none of the petitioners have resided for five years in the respective Talukas from where they are seeking mutual transfers. It is stated that the relief sought by the petitioners cannot be granted in view of the policy of the State Govt., as reflected in the Govt. Circular dated 22nd April, 2016.

On hearing the learned counsel for the parties, we find that the relief sought by the petitioners cannot be granted. In view of the Circular dated 22nd April, 2016, the district-level transfers could be effected only from 5th May to 15th May. While seeking a mutual transfer in the district, a Zilla Parishad employee is required to stay at least for a period of five years in the Taluka from where he/she is seeking the transfer.

Admittedly, the petitioners have not completed five years of service in the Talukas from where requests are made for the mutual transfers. The relief sought by the petitioners cannot be granted in the circumstances of the case. Also, the petitioners have not pointed out any pressing need for their mutual transfer and no ground has been made out for seeking the mutual transfers.

Since no case is made out by the petitioners for grant of relief, we dismiss the Writ Petition with no order as to costs.

Judge

Judge