

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2837/2016

Melghat Adiwasi Vidyarthi Yuva Sanghatna, through its Karyadhyaksha
(Executive President) Shri Gangaram Kunjilal Jambekar, Amravati

...Versus...

The State of Maharashtra, Through Chief Secretary, Rural Development
Department, Government of Maharashtra, Mantralaya, Mumbai – 32 and others

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

Court's or Judge's orders

Shri R.J. Mirza, Advocate for petitioner
Shri J.Y. Ghurde, AGP for respondent nos.1 to 4
Shri J.B. Kasat, Advocate for respondent no.5
Shri S.S. Dhengale, Advocate for Intervenor

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 04.07.2016

By this writ petition, the petitioner has sought a direction against the respondents to implement the Government Resolution, dated 5.3.2015.

According to the petitioner – Union, as per the Government Resolution, dated 5.3.2015, the posts in the tribal areas are required to be filled either by recruitment or by transfer from amongst the tribals belonging to those areas only. According to the petitioner, while effecting the transfers in the general transfers of the year 2016-17, it would be necessary for the State Government and the Zilla Parishad to seek options from the tribals of the concerned areas, that are posted elsewhere, whether

they are inclined to accept the postings in the tribal areas to which they belong and fill the said posts by transferring them only. It is stated that after the posts are filled by transfers, the remaining vacant posts are liable to be filled by recruiting the tribals from the said tribal areas only.

Shri Kasat, the learned Counsel for the Zilla Parishad states, on instructions and on the basis of the affidavit-in-reply filed on behalf of the Zilla Parishad, that while effecting the general transfers for the year 2016-17, the tribal employees of the concerned areas, that are posted elsewhere, would be asked to give their option whether they are ready to work in the concerned tribal area. It is stated that the persons who give such options would be transferred to the concerned tribal area only. It is stated that the recruitment process for filling up the remaining vacant posts, as per the Government Resolution, by nomination, would be initiated in the month of November, 2016 and even if such posts are filled by transfer of the non-tribals, that would be only for a limited period, till the recruitment process is complete and till the appointees join on their respective postings.

In view of the statement made on behalf of the Zilla Parishad, in our view, the grievance of the petitioner should stand redressed. Hence, by accepting the statement made on behalf of the Zilla Parishad, that would be binding on the Zilla Parishad, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE