

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2899/2016

(RIZWANA BEGUM SALAR SHAH **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri N.R. Saboo, counsel for the petitioner.
 Shri N.R. Rode, A.G.P. for the R-1 to 3.
 Shri D.M. Kale, counsel for the R-5..

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

DATE : JUNE 28, 2016.

By this writ petition, the petitioner seeks a direction against the respondent no.3-Deputy Director of Education, Amravati Division, Amravati to grant the No Objection to the petitioner to join on the establishment of Nagar Parishad, Khamgaon as per Intra-Division Transfer.

The petitioner was working as an Assistant Teacher in Zilla Parishad, Raigad and in view of the policy of the State Government, in respect of the Intra-Division Transfers, the petitioner had applied for her transfer to Municipal Council, Khamgaon, as her husband is working at Khamgaon. It is the case of the petitioner that though the Zilla Parishad, Raigad as well as the Municipal Council, Khamgaon have approved the transfer of the petitioner from Raigad to Khamgaon, the Deputy Director of Education, Amravati Division, Amravati has not granted the 'No Objection' to the transfer of the petitioner. It is stated that the petitioner is relieved by Zilla Parishad, Raigad on 31.12.2015. It is stated that the Director of Education, Mumbai has directed the Deputy Director of Education, Amravati Division, Amravati to consider the claim of the petitioner and grant the 'No Objection' but, the respondent no.3-Deputy Director of Education, Amravati Division, Amravati is not taking any further action.

Shri Rode, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 3, states on instructions from the Office of the Deputy Director of Education that the Deputy Director of Education is willing to grant the 'No Objection' for the transfer of the petitioner from Raigad to Khamgaon, if the proposal is submitted by the Municipal Council, Khamgaon.

Shri Kale, the learned counsel for the respondent no.5-Municipal Council, Khamgaon, states that the proposal is already submitted and a reference of the same could be found in the communication issued by the Director of Education to the Deputy director of Education, Amravati Division, Amravati, dated 26.02.2016.

In view of the aforesaid, we find that the relief sought by the petitioner needs to be granted. The respondent no.3 is directed to grant the 'No Objection' in favour of the petitioner, if there is no other impediment in doing so as it appears that the respondent nos.4 and 5, i.e. the Zilla Parishad and the Municipal Council have 'No Objection' for the transfer of the petitioner from Raigad to Khamgaon. The respondent no.3 is directed to consider granting no objection to the transfer, as early as possible and positively within a period of one month.

The writ petition stands disposed of. No costs.

Steno copy of the order is granted to the learned Assistant Government Pleader, on request.

JUDGE

JUDGE

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