

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

WRIT PETITION NO. 3074 OF 2016

Smt. Sangeeta w/o Amritrao Tabhane

-vs-

The Chief Executive Officer, Zilla Parishad, Nagpur and another

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

Court's or Judge's Orders.

None for the petitioner.

Mrs.Indira Bodade, counsel for the respondents.

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

DATE : 30.06.2016.

None had appeared for the petitioner in the Morning Session. None appears for the petitioner in the Afternoon Session also.

We have perused the writ petition and the grounds raised therein. It is stated in the writ petition that the husband of the petitioner is working as an Agricultural Officer at Nagpur and hence, she could not have been transferred to Devlapar. It is further stated that Smt.Ganveer, who is working at Nagpur for the past ten years, is not transferred out of Nagpur, though she is senior to the petitioner. It is also stated that while preparing a note-sheet, the respondent No.2 has recommended to the respondent No.1 that no employee in the cadre of Education Extension Officer Class-II should be transferred, but still the petitioner is transferred.

The learned counsel for the respondents, however, disputes the averments made on behalf of the petitioner. The statements made in the petition are denied. It is stated that Smt.Ganveer is transferred out of Nagpur and is posted at Panchayat Samiti, Mouda. It is stated that the petitioner is not serving on the post of Primary Teacher, but is holding the post of Education Extension Officer and, the said posts are very few. It is stated that the petitioner has an alternate remedy of filing an appeal/application before the

Divisional Commissioner as per the Government Resolution and the issues involved in this writ petition could be decided by the Divisional Commissioner.

We uphold the last submission made on behalf of the respondents, in the circumstances of the case. Since the factual position appears to be disputed, it would be necessary for the petitioner to approach the Divisional Commissioner. Since this Court had granted interim relief on 27/05/2016, it would be necessary to continue the same for certain period so that the petitioner could file appropriate proceedings.

By upholding the objection raised on behalf of the respondents, we dispose of the writ petition with liberty to the petitioner to file an appeal/application before the Divisional Commissioner. Since the stay to the transfer order is operating from 27/05/2016, we continue the same for a period of four weeks.

Order accordingly. No costs.

JUDGE

JUDGE