

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

WRIT PETITION NO.3878/2016

Ku. Padma Keshavrao Wadatkar (Nee) Sau. Padma Arun Tale

...Versus...

**Education Officer (Secondary), Zilla Parishad, Akola, Tq. and Distt. Akola 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 A.J. Kadu, Advocate for petitioner
Ms N.P. Mehta, AGP for respondent no.1

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

DATE : 11.07.2016

In this writ petition, the petitioner has made two prayers. By the first prayer, the petitioner challenges the transfer order, dated 17.6.2016 transferring the petitioner from Telhara to Mothi Umri. By the second prayer, the petitioner has sought a direction against the respondent nos.2 and 3 to send the salary bills of the petitioner towards unpaid salary to the respondent no.1 – Education Officer.

It is the case of the petitioner that the petitioner is the only teacher for teaching Science subjects in the school at Telhara and therefore, the petitioner should not have been transferred to Mothi Umri. It is stated that the petitioner is not paid the salary for the period from January, 2016 and the Management has not submitted the bills pertaining to the unpaid salary of the petitioner to the Education officer.

We are not inclined to accept the challenge made by the petitioner to the transfer order, dated 17.6.2016. If there is no other teacher in Telhara to teach the Science subjects and if the petitioner is transferred to Mothi Umri, it would be the problem of the Management and that has nothing to do with the petitioner. The challenge made by the petitioner to the transfer order should therefore fail.

The learned Assistant Government Pleader, however, states, on a reading of the communication annexed to the writ petition, that the Management is directed by the Education Officer to send the salary bills in respect of the petitioner to the Education Officer for payment of the unpaid salary.

Since the second prayer made on behalf of the petitioner is innocuous and since it appears that the salary bills of the petitioner have not been submitted by the Management to the respondent no.1 for the unpaid salary, without issuing notice to the Management, we dispose of the writ petition with a direction to the respondent nos.2 and 3 to send the salary bills of the petitioner to the respondent no.1, as per the entitlement, as early as possible and positively within two weeks from the date of receipt of this order.

Order accordingly. No costs.

JUDGE

JUDGE