

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO.4171/2016

(Khurshidjaha Rizwan Akhtar Khan vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Mr. P.S.Kshirsagar, Advocate for the petitioner
Mr. J.B. Kasat, Advocate for Respondent nos.2 & 3

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**
DATED : 16th December, 2016.

Heard.

By this Writ Petition, the petitioner challenges the order of
absorption of the petitioner in the School at Dharni.

According to the petitioner, the petitioner could not have
been absorbed in a school at Dharni as the husband of the
petitioner is working in Nagar Parishad, Chandur Railway and
the petitioner now sought to be posted is 140 kms. away from
Chandur Railway. It is stated that in view of the husband- wife
unification policy, the petitioner cannot be absorbed in a
school at Dharni.

Shri Kasat, the learned counsel for the respondent nos.2
and 3 opposes the prayer made in the petition. It is stated that
the petitioner was posted for almost 15-years in Amravati and
after the petitioner is declared as surplus, the petitioner was
rightly absorbed at Dharni as a vacancy in the post of Assistant

Teacher of a High School was available at Dharni. The learned counsel relied on the acknowledgment of the petitioner on the document showing that the petitioner was willing to join the post in a School at Dharni. It is stated that in the circumstances of the case the petitioner is liable to be dismissed, more so because it would be necessary for every employee to work at least for three years in the tribal areas.

In the circumstances of the case, we are not inclined to grant the relief sought by the petitioner. The petitioner's husband is working in a Nagar Parishad School and not in a Zilla Parishad School and it would not be possible for the Zilla Parishad, to every time post the petitioner at a distance of less than 30 kms from the Nagar Parishad, where the husband of the petitioner is posted. The petitioner has shown her willingness for her absorption in the School at Dharni, as could be gathered by the documents filed by the respondent nos.2 and 3 to the affidavit-in -reply, that is tendered in the Court today. It appears that the petitioner was posted at Amravati for almost 15-years and since there is no other vacancy in the post on which the petitioner was working, the petitioner was absorbed in the School at Dharni. We do not find any reason to interfere with the impugned order in exercise of the writ jurisdiction, more so when the petitioner has signed the document showing her willingness to be absorbed in the School at Dharni.

In the result, the Writ Petition fails and is dismissed with no order as to costs. It is needless to mention that if the petitioner makes a representation in view of the availability of a vacancy in any School in the near vicinity of the Nagar Parishad

where her husband is posted, the respondent nos. 2 and 3 may consider the representation sympathetically.

JUDGE

JUDGE

sahare