

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

WRIT PETITION NO. 6229 OF 2016

Sau.Pratibha w/o Sukhdeorao Bhendarkar

-VS-

State of Maharashtra, thr.its Secretary, Rural Development & Water Resources Deptt.and others

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

Court's or Judge's Orders.

Mr. C.N.Funde & Mr. A.A.Kathane, counsel for the petitioner.
Mr. A.M.Balpande, AGP for the respondent Nos.1.
Mr. H.A.Deshpande, counsel for the respondent Nos.2 and 3.
Mr. V.D.Raut, counsel for the respondent Nos.4 and 5.
Mr. B.G.Kulkarni, counsel for the respondent No.6.

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

DATE : 28.11.2016.

By this writ petition, the petitioner seeks a direction to the respondent Nos.2 and 3 to relieve the petitioner from Zilla Parishad Primary School at Talodi. The petitioner seeks a stay to the cancellation of the inter-district transfer of the petitioner and the respondent No.6.

The petitioner is working in the zilla parishad school in Gadchiroli District whereas the respondent No.6 is working in the zilla parishad school in the Nagpur District. The respondent No.1 was desirous of being transferred to the zilla parishad school in Nagpur District whereas the respondent No.6 was desirous of being transferred to a school in Gadchiroli District. It is the case of the petitioner that the petitioner and the respondent No.6 has sought for mutual transfer. It is stated that though the respondent Nos.2 and 3 accepted the request for mutual transfer and the respondent No.6 was also relieved from the school in Nagpur District, the respondent No.6 has illegally given up her claim for mutual transfer and is desirous of serving in Nagpur Zilla Parishad. According to the petitioner, the respondent Nos.2 and 3 cannot permit the respondent No.6 to back out from the mutual transfer and hence a direction to the respondent Nos.2 and 3 to

relieve the petitioner from the school in Gadchiroli Zilla Parishad so that she could join a school in Nagpur Zilla Parishad, is necessary.

We are not inclined to grant the prayer made by the petitioner in the instant petition. This is not a case where the parties are transferred on administrative ground. The petitioner and the respondent No.6 had sought for their mutual transfer and the respondent Nos.2 and 3 appear to have accepted their request. However, due to her ill-health, the respondent No.6 is not desirous of serving in a school in Gadchiroli District, as she requires medical treatment in Nagpur District. The petitioner would have no right, whatsoever, to insist that the respondent No.6 should be posted in Gadchiroli District, since both the parties had earlier sought for their mutual transfer. Since there is no right in the petitioner to seek the transfer in Nagpur District after the respondent No.6 has backed out from the proposal, the writ petition is liable to be dismissed.

The writ petition is dismissed as such, with no order as to costs.

JUDGE

JUDGE