

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4572 OF 2016

Santosh s/o Dattoba Dhakne

Petitioner

V E R S U S

The State of Maharashtra & anr.

Respondents

Mr. V.A. Dhakne, Advocate for the petitioner
Mr. V.S. Badakh, A.G.P. for respondent No.1/State
Mr. S.A. Gaikwad, Advocate for respondent No.2

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 6th April, 2017

PER COURT :

1. Mr.Dhakane, learned counsel for the petitioner submits that the petitioner is serving as Assistant Primary Teacher with Zilla Parishad, Aurangabad since the year 2012 and the wife of the petitioner is serving in Zilla Parishad, Kolhapur. On the ground of couple convenience, the petitioner has sought transfer to Zilla Parishad, Kolhapur. It is

further submitted that one person belonging to N.T. (D) category, who is working in Zilla Parishad, Kolhapur is ready to come to Aurangabad, and therefore, the petitioner can be transferred to Kolhapur.

2. Mr. Gaikwad, learned counsel for respondent No.2 submits that respondent No.2 would relieve the petitioner in May, 2017 and the petitioner would complete five years' service in the year 2017. According to learned counsel for the petitioner, the condition of completion of five years' service in one district is not mandatory for seeking transfer on the ground of couple convenience.

3. The case of the petitioner can be considered on the point of couple convenience as one person from Kolhapur Zilla Parishad has agreed and accepted to come to Aurangabad in place of the petitioner and the petitioner will be accommodated in place of said person.

4. If the person from Kolhapur who has given his consent is relieved from Kolhapur and joins at Aurangabad Zilla Parishad then the respondent i.e. Zilla Parishad, Aurangabad shall relieve the petitioner so as to enable him to join at Zilla Parishad, Kolhapur. The same shall be done before 5th May, 2017.

5. In view of above, Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V. GANGAPURWALA, J.)