

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

GROUP I

WRIT PETITION NO. 5984 OF 2016

Sau. Sunita Damodharrao Deshmukh
Age: 40 years, Occu: Service,
R/o. Vidyanagar, Udgir Road, Degloor,
Tq. Degloor, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6089 OF 2016

Gangadhar Hanmantrao Patil
Age: 46 years, Occu: Service,
R/o. Bahegaon Road, Behind Sai Mandir,
Degloor, Tq. Degloor, Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.

4. The Block Development Officer,
Degloor, Tq. Degloor, Dist. Nanded.**Respondents.**

WITH
WRIT PETITION NO. 6091 OF 2016

Sushma Dadarao Chilkar
Age: 39 years, Occu: Service,
R/o: Rui, Tq. Naigaon,
Dist: Nanded.**Petitioner.**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Naigaon, Tq. Naigaon, Dist. Nanded.**Respondents.**

WITH
WRIT PETITION NO. 6092 OF 2016

Suman Marutirao Jadhav
Age: 49 years, Occu: Service,
R/o: A/P. Kuntur, Tq. Naigaon
Dist: Nanded.**Petitioner.**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.

3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Naigaon, Tq. Naigaon, Dist. Nanded.**Respondents.**

WITH
WRIT PETITION NO. 6093 OF 2016

Sau. Alka Yadavrao Mane
Age: 53 years, Occu: Service,
R/o: Dattanagar No.2, Rampur Road,
Near Brahmakumari Center, Degloor
Tq. Degloor, Dist: Nanded.

....**Petitioner.**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Umari, Tq. Umari, Dist. Nanded.**Respondents.**

WITH
WRIT PETITION NO. 6094 OF 2016

Sarojani Shriram Jadhav
Age: 29 years, Occu: Service,
R/o: Parvatikunj, Patel Nagar,
Dharmabad, Tq. Dharmabad,
Dist: Nanded 431 809.

....**Petitioner.**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,

Rural Development Department
Mantralaya Mumbai- 400 032.

2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Dharmabad, Tq. Dharmabad,
Dist. Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6203 OF 2016

Shankar Limbaji Balkone
Age: 44 years, Occu: Service,
R/o. Chowk Galli, Umari, (Railway Station)
Tq. Umari, Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Umari, Tq. Umari, Dist. Nanded.

...Respondents.

WITH
WRIT PETITION NO. 6214 OF 2016

Ramesh Chanbasappa Bhalke
Age: 50 years, Occu: Service,
R/o. Zilla Parishad Central Primary School,
Atkali, Tq. Billoli, Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Billoli, Tq. Billoli, Dist. Nanded.

...Respondents.

WITH
WRIT PETITION NO. 6216 OF 2016

Sunanda Lachappa Bhanje
Age: 40 years, Occu: Service,
R/o. Sadhana Nagar, Degloor,
Tq. Degloor, Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Degloor, Tq. Degloor, Dist. Nanded.

...Respondents.

WITH
WRIT PETITION NO. 6436 OF 2016

Surekha Vinayakrao Mulkhede
Age: 40 years, Occu: Service,

R/o. Vidyanagar, Degloor,
Tq. Degloor, Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Degloor, Tq. Degloor, Dist. Nanded.

...Respondents.

Mr. V.D. Salunke, h/f. Mr. A.A. Nimbalkar Advocate for petitioners.

Mrs. A.V. Gondhalekar, AGP for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondents No. 2 to 4 i.e. Chief Officer, Education Officer and Block Development Officer.

GROUP II

WITH
WRIT PETITION NO. 7355 OF 2016

Surekha d/o. Dashrath Marawar
Age: 41 years, Occu: Service as Asst. Teacher,
R/o Vishnupuri, Nanded,
Tq. and Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32.

2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7357 OF 2016

Manjusha d/o. Uddhavrao Raje,
Age: 43 years, Occu: Service as
Asst. Teacher, Zilla Parishad
High School, Umari Tanda,
R/o Parimal Nagar,
District Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-400 032.
2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7354 OF 2016

Mahananda d/o. Govindrao Divekar
Age: 40 years, Occu: Service as Asst. Teacher,
R/o Barhali, Tq. Mukhed,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development and Water
Conservation Department,

Mantralaya, Mumbai -32.

2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7342 OF 2016

Jayshree Balajirao Borlepwar
Age: 45 years, Occu: Service As
Asst. Teacher, Zilla Parishad
Primary School, Uttam Nagar
Kendra Umri Bazar, Tq. Kinwat
District Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-400 032.
2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7959 OF 2016

Smt. Sudha d/o. Dashrathrao Kshirsagar
Age: 43 years, Occu: Service,
As Asst. Teacher, R/o Gautam Nagar,
Hadgaon, Tq. Hadgaon, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development and Water

Conservation Department,
Mantralaya, Mumbai-32.

2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7358 OF 2016

Sandhya d/o. Dhondiba Dudde,
Age: 42 years, Occu: Service as
Asst. Teacher, Zilla Parishad
Primary School, Umri Tanda
R/o. District Nanded

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai- 400 032.
2. The Chief Executive Officer
Zilla Parishad, Nanded.
3. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 9716 OF 2016

Smt. Taibai d/o. Rama Lahubande
Age: 43 years, Occu: Service as
Trained Graduate Teacher(Language),
R/o Ashtoor Tq. Loha,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,

Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32.

2. Divisional commissioner,
Aurangabad Region,
Aurangabad.
3. The Chief Executive Officer
Zilla Parishad, Nanded.
4. Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

Mr. V.S. Panpatte, Advocate for petitioners.

Mrs. A.V. Gondhalekar, AGP for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondents, Chief Officer,
Education Officer.

GROUP NO. III

WITH
WRIT PETITION NO. 7339 OF 2016

1. Nilkanth Madhavrao Chonde
Age: 51 years, Occu: Service,
R/o: Chintamani Apartment,
Ringroad, Nanded.
2. Sanjay Gangaram Nakkawar
Age: 42 years, Occu: Service,
R/o: Sharda Nagar, Deglur,
Taluka- Deglur, Dist. Nanded.

....Petitioners.

Versus

1. The State of Maharashtra
Through Secretary
Rural Development Department,
Mantralaya, Mumbai-32
2. The Divisional Commissioner,
Aurangabad Division,

Aurangabad.

3. Zilla Parishad, Nanded
District: Nanded.
Through its Chief Executive Officer
4. The Education Officer (Primary),
Zilla Parishad, Nanded
District: Nanded.

....Respondents.

Mr. A.N. Sabnis, Advocate for petitioners.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mrs. S.B. Pulkundwar, Advocate for respondents 3 and 4.

GROUP NO. IV

WITH
WRIT PETITION NO. 1849 OF 2016
WITH
CIVIL APPLICATION NOS. 3413, 5064 OF 2016

Smt. Sangita d/o. Dhondibharao Ingole,
Age: 45 years, Occu: Service,
Working as Head Mistress,
In Zilla Parishad High School, Chaufala,
Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through: Secretary,
Education, Mantralaya Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Nanded
3. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

Mr. S.M. Kulkarni, Advocate for petitioner.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent Nos. 2 & 3.

GROUP NO. V

WITH
WRIT PETITION NO. 8112 OF 2016

Arun Gundurao Chamkure
Age: 40 years, Occu: Service,
R/o: Jambhli, Tal: Mukhed
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded.
Through it's CEO, Nanded.

....Respondents.

Mr. R.R. Mantri & Mr. R.R. Sancheti, Advocate for petitioner.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No. 3.

GROUP NO. VI

WITH
WRIT PETITION NO. 6867 OF 2016

Shrikant S/o. Narsinhacharya Joshi
Age: 45 years, Occu: Service,
R/o Dharmabad, Tq. Dharmabad,
Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
(Through it's Secretary,

Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32)

2. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6505 OF 2016

Rajkumar s/o. Marotrao Warle
Age: 44 years, Occu: Service,
R/o Manjula Nagar, Bhokar,
Tq. Bhokar, Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
(Through it's Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32)
2. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6860 OF 2016

Nagesh S/o. Rajappa Mathpati
Age: 40 years, Occu: Service,
R/o Billoli, Tq. Billoli, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
(Through it's Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32)
2. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6414 OF 2016

Ratnamala Shriram Moralwar
Age: 41 years, Occu: Service,
R/o Sadgurunagar, Degloor,
Tq. Degloor, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
(Through it's Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32)
2. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6394 OF 2016

Sushma d/o. Narayanrao Budkewar
Age: 42 years, Occu: Service,
R/o 3, Sidhi Arcade (A), Namaskar
Chowk, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
(Through it's Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai-32)
2. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

Mr. V.A. Dhakne, Advocate for petitioners.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No. 2.

GROUP NO. VII

WITH
WRIT PETITION NO. 7201 OF 2016

Anuradha D/o. Tukaram Kamble
Aged: 40 years, Occupation: Service,
R/o: Bhimgad, Tq. Kandhar,
District- Nanded.

....Petitioner.

Versus

1. The State of Maharashtra, Through Secretary, Rural Development and Womens Development Department Mantralya, Mumbai.
2. The Chief Executive Officer, Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 8442 OF 2016

Gajnan D/o. Laxmikant Rudrawar
Aged 40 years, Occupation Service,
R/o. Devul Galli, Loha. Tq. Loha,
District: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra, Through Secretary, Rural Development and Womens Development Department Mantralya, Mumbai.
2. The Chief Executive Officer, Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7082 OF 2016

Ujjawala D/o. Amratrao Gavalwad,
Aged: 41 years, Occupation: Service,
R/o Abhinav Nagar, Kandhar, Tq.

Kandhar, District: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra, Through Secretary, Rural Development and Womens Development Department Mantralya, Mumbai.
2. The Chief Executive Officer, Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6968 OF 2016

Jyoti D/o. Sopanrao Narate
Aged: 31 years, Occupation: Service,
R/o: Abhinav Nagar, Loha, Tq. Loha,
District: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra, Through Secretary, Rural Development and Womens Development Department Mantralya, Mumbai.
2. The Chief Executive Officer, Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6954 OF 2016

Dnaynoba D/o. Venkati Korde
Aged: 32 years, Occupation : Service,
R/o At Hipparga, Post Dhanora, Tq.
Loha, District: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra, Through Secretary, Rural Development and Womens Development Department Mantralya, Mumbai.

2. The Chief Executive Officer,
Zilla Parishad, Nanded.

....Respondents.

Mr. S.P. Kausalye, Advocate for petitioners.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No. 2.

GROUP NO. VIII

WITH
WRIT PETITION NO.6783 OF 2016

1. Shakuntala Digambar Dukare
Age:41 years, Occu: Service,
R/o: Chaytanya Nagar, Nanded,
Tq & Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.6782 OF 2016

1. Avinash S/o Ashok Reddy
Age: 32 years, Occu: Service,
R/o : Kini, Tq: Bhokar,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra

Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.

2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.6787 OF 2016

1. Nilesh S/o Bapurao Godhane
Age: 41 years, Occu: Service,
R/o: Nabhalaxmi Appt, Block No.8,
Ththagat Nagar, Malegaon Road Nanded,
Tq & Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.9859 OF 2016

1. Anita Gangadhar Ranbhirkar
Age: 40 years, Occu: Service,
R/o: Chhatrapati Nagar Nanded,
Tq & Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra

Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.

2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.9860 OF 2016

1. Manisha Manoharrao Malvatkar
Age: 40 years, Occu: Service,
R/o : Vasant Nagar Nanded,
Tq & Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.9856 OF 2016

1. Prakash Kahinathrao Mungal,
Age: 50, Occu: Service,
R/o : Ijali
Tq: Mudkhed, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra

Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.

2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.9857 OF 2016

1. Ramrao Bhujangrao Devane
Age: 49, Occu: Service,
R/o : Chhatrapati Nagar Nanded
Tq & Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.9858 OF 2016

1. Shankar Rajaram Padgilwar
Age: 50, Occu: Service,
R/o: Vasanagar Nanded
Tq & Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,

Rural Development Department,
Mantralaya, Mumbai-32.

2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive officer,
Zilla Parishad, Nanded
Dist: Nanded.

....Respondents.

Mr. S.C. Bhosle, Advocate for petitioners.

Mrs. A.V.Godhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No.3

GROUP NO. IX

WITH
WRIT PETITION NO.8115 OF 2016

Somnath Maroti Barhate,
Age: 40 years, Occu: Service
R/o: Jaldhara, Tal: Kinwat
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded
Through it's CEO, Nanded.

....Respondents.

WITH
WRIT PETITION NO.9622 OF 2016

Prakash S/o Gangaram Holkar
Age: 51 years, Occu: Service,
R/o. Dhanegaon, Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded
Through it's CEO, Nanded.

....Respondents.

WITH
WRIT PETITION NO.8126 OF 2016

Shivaji Marotrao Patil
Age: 42 years, Occu: Service
R/o: Balegaon, Tal: Umri
Dist: Nanded

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded
Through it's CEO, Nanded.

....Respondents.

WITH
WRIT PETITION NO.8133 OF 2016

Sau. Khan Gausiyabegum Rahimkhan
Age: 53 years, Occu: Service
R/o: Kolambkhed, Tal : Mahur,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,

Mantralaya, Mumbai.

2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded
Through it's CEO, Nanded.

....Respondents.

WITH
WRIT PETITION NO.8129 OF 2016

Uttam Laxmanrao Saknure,
Age: 50 years, Occu: Service
R/o: Narsifata, Tal: Naigaon
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded
Through it's CEO, Nanded.

....Respondents.

WITH
WRIT PETITION NO.8128 OF 2016

Hanman Dnyanobarao Chaudhari,
Age: 45 years, Occu: Service
R/o : Dhanaji, Tal: Mukhed
Dist: Nanded

....Petitioner.

Versus

1. The State of Maharashtra
Through the Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Commissioner, Aurangabad
3. The Zilla Parishad, Nanded

Through it's CEO, Nanded.

....Respondents.

Mr. R.R. Mantri and R.R. Sancheti, Advocate for petitioners.

Mrs. A.V.Godhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No.3.

GROUP NO. X

WITH
WRIT PETITION NO.9560 OF 2016

Ramakant S/o Bhaurao Tumbarphale,
Age: 34 years, Occu: Service,
R/o: Usman Nagar, Tq. Kandhar,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Nanded.
4. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO.9136 OF 2016

Yogita d/o Anantrao Shatri
Age: 42 years, Occu: Service,
R/o: Sarkhani Tanda, Tq. Kinwat,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Nanded.
4. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

WITH
WRIT PETITION NO.7809 OF 2016

Suresh s/o Vitthalrao Bele
Age: 36 years, Occu: Service,
R/o: Mohapur, Tq. Kinwat,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Nanded.
4. The Education Officer (Primary),
Zilla Parishad, Nanded.

....Respondents.

Mr. A.N. Nagargoje, Advocate for petitioners

Mrs. A.V. Godhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No.3

GROUP NO.XI

WITH
WRIT PETITION NO.10142 OF 2016

Mangala Manikrao Dumale
Age: 46 years, Occu: Service,
R/o: Bamani, Tq. Mukhed,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai-400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Muked, Tq Mukhed, Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO.10143 OF 2016

Hanmant S/o Madhavrao Thavare
Age: 46 years, Occu: Service,
R/o: Khutmapur, Tq. Degloor,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)

Zilla Parishad, Nanded.

4. The Block Development Officer,
Degloor, Tq. Degloor, Dist: Nanded.**Respondents.**

WITH
WRIT PETITION NO.10144 OF 2016

Sow. Shobha D/o Kishanrao Shrirame
Age: 43 years, Occu: Service,
R/o: Khutmapur, Tq. Degloor,
Dist: Nanded.**Petitioner.**

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla Parishad, Nanded.
4. The Block Development Officer,
Panchayat Samiti Degloor,
Tq. Degloor, Dist: Nanded.
5. The Block Development Officer,
Panchayat Samiti Kinwat,
Tq. Kinwat, Dist: Nanded.**Respondents.**

WITH
WRIT PETITION NO.10145 OF 2016

Sudhir S/o Hanmantrao Dhadele
Age: 31 years, Occu: Service,
R/o: Markhel, Tq. Degloor,
Dist: Nanded.**Petitioner.**

Versus

1. The State of Maharashtra,

Through its Principal Secretary,
Rural Development Department
Mantralaya Mumbai- 400 032.

2. The Chief Executive Officer,
Zilla Parishad, Nanded.
3. The Education Officer (Primary)
Zilla parishad, Nanded.
4. The Block Development Officer,
Panchayat Samiti Degloor,
Tq. Degloor, Dist: Nanded.
5. The Block Development Officer,
Panchayat Samiti Kinwat,
Tq. Kinwat, Dist: Nanded.

....Respondents.

Mr. Umakant B. Deshmukh, Advocate for petitioners

Mrs. A.V. Godhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent Nos.2 to 4.

GROUP NO. XII

WITH
WRIT PETITION NO. 6784 OF 2016

Sou. Surekha Pralhadrao Shinde
Age: 40 years, Occu: Service,
R/o: Siradhon, Ta. Kandhar,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner
Aurangabad Division, Aurangabad
3. The Zilla Parishad Nanded

Through Chief Executive Officer

4. The Education Officer (Primary),
Zilla Parishad, Nanded,
Dist: Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6481 OF 2016

Sou. Rajashree Madhavrao Chole
Age: 35 years, Occu: Service,
R/o: Kurula, Ta. Kandhar,
Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner
Aurangabad Division, Aurangabad
3. The Zilla Parishad Nanded
Through Chief Executive Officer
4. The Education Officer (Primary),
Zilla Parishad, Nanded,
Dist: Nanded.

....Respondents.

Mr. A.V. Patil-Indrale, Advocate for petitioners.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent Nos. 3 and 4.

GROUP NO. XIII

WITH
WRIT PETITION NO. 7009 OF 2016

1. Yuvraj S/o. Tukaram Rajarupe,
Age: 43 years, Occupation: Service,

R/o: Teacher Colony,
Loha, Tq: Loha, Dist: Nanded.

2. Nandkumar S/o Ramchandra Gundre,
Aged: 34 years, Occupation: Service,
Mathurai Nivas, Teacher Colony,
Gadgebaba Nagar, Tq. Loha
District: Nanded.
3. Sangameshwar S/o Madhukar Kalme,
Aged: 33 years, Occupation: Service,
C/o R.R Gundre, Teacher Colony, Tq. Loha,
District: Nanded.
4. Ashok S/o Devrao Kagne,
Aged: 48 years, Occupation: Service,
R/o Chandrabhaga Nivas, Muktai Nagar,
Tq. Kandhar, District: Nanded.
5. Dhondiram S/o Satwaji Kadam,
Aged: 37 years, Occupation: Service,
R/o Abhinav Nagar, Tq. Kandhar,
District: Nanded.
6. Madhukar S/o Vittalrao Kadam,
Aged: years, Occupation: Service,
R/o Sambhaji Nagar, Tq. Kandhar,
District: Nanded.
7. Chandrakant S/o Ganeshrao Johare,
Aged: 45 years, Occupation: Service,
R/o Abhinav Nagar, Tq. Kandhar,
District: Nanded.
8. Vitthal S/o Bhimrao Dagadgave,
Aged: 48 years, Occupation: Service,
R/o Teachers Colony, Tq. Loha,
District: Nanded.
9. Vitthal S/o Sambhaji Amlapure,
Aged: 48 years, Occupation: Service,
R/o Shambhraj Nivas, Muktai Nagar,
Tq. Kandhar, District: Nanded.
10. Madhav S/o Kishanrao Bhosale,

Aged: 39 years, Occupation: Service,
R/o Snkhed, Tq. Loha, District: Nanded.

11. Pandurang S/o Sambhaji Mundhe,
Aged: 46 years, Occupation: Service,
R/o Bidwainagar, Tq. Loha,
District: Nanded.
12. Vinayak S/o Prahalad Debadwar,
Aged: years, Occupation: Service,
R/o Laxmiprasad Nivas, Shivkalyan Nagar,
Tq. Loha, District: Nanded.
13. Balaji S/o Nagorao Kendre,
Aged: 49 years, Occupation: Service,
R/o Gajanan Nagar, Tq. Kandhar,
District: Nanded.
14. Kanta W/o Shrirang Dange,
Aged: years, Occupation: Service,
R/o Teacher Colony, Tq. Loha,
District: Nanded.
15. Hanmant S/o Narsing Jadhav,
Aged: 34 years, Occupation Service,
R/o Matoshri Nivas, Bapu Nagar,
Tq. Degloor, District: Nanded.
16. Shrikant S/o Dashrathrao Gorshetwar,
Aged: 35 years, Occupation: Service
R/o Bapu Nagar Tq. Degloor, Dist: Nanded.
17. Keshav S/o Shankarrao Chavan,
Aged: years, Occupation: Service,
R/o Snkhed, Tq. Loha, District: Nanded.
18. Mehbarban S/o Shankarrao Pawar,
Aged: 41 years, Occupation: Service,
R/o Venkatesh Nagar, Tq. Kandhar,
District: Nanded.
19. Madhav S/o Sambhaji Sarkale
Aged: years, Occupation: Service
M. Post- Dapka, Tq- Mukhed, Dist- Nanded.
Vishnukant S/o Shankarrao Landge

M. Post- Landge Wadi,
Malakoli, Tq. Loha Dist: Nanded.

20. Vishnukant Shankarrao Ladge,
Aged: 29 years, Occu: Service,
R/o At Post Landgewadi, Tq. Loha,
District: Nanded.
21. Bhagwan Sambhaji Gajbhare,
Aged: 34 years, Occupation: Service,
R/o Bhavsar Chowk, Nabnded,
District Nanded.
22. Shivaji S/o Gangadhar Jadhav
Aged: years, Occupation: Service,
M.Post- Rajura,
Tq. Mukhed, Dist- Nanded.

....Petitioners.

Versus

1. The Chief Executive Officer,
Zilla Parishad, Nanded.
District Nanded.
2. The Director of Education,
Pune, District Pune.
3. The State of Maharashtra,
Through : The Chief Secretary,
Rural Development Department,
State of Maharashtra,
Mantralaya, Mumbai-32.

....Respondents.

Mr. K.C. Sant, Advocate for petitioners.

Mr. S.B. Pulkundwar, Advocate for respondent No. 1

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

GROUP NO. XIV

WITH
WRIT PETITION NO. 7387 OF 2016

Usha s/o. Sambaji Gorakwad
Age: 34 years, Occu: Service,

R/o. Chaitnaya Nagar, Nanded,
Tq. & Dist. Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Village Development Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Nanded.
Tq. & Dist: Nanded.

....Respondents.

Mr. V.B. Dhage, Advocate for petitioner.

Mrs. A.V. Gondhalekar , A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No. 2.

GROUP NO. XV

WITH
WRIT PETITION NO. 7565 OF 2016

Laxmi D/o. Vithalrao Halbandge (Marshivane)
Age: 46 years, Occu: Service,
R/o: At. Post. Jamb (Bk)
Tq.: Mukhed Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai -32.
2. The Chief Executive Officer,
Zilla Parishad Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6745 OF 2016

Svita D/o. Tukaram Gudewar (Dasewar)
Age: 38 years, Occu: Service,
R/o : At. Post. Nanded.

Tq: Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad Nanded.

....Respondents.

WITH
WRIT PETITION NO. 6742 OF 2016

Mohhamed Akber S/o. Mohhamed Nazeer
Age: 40 years, Occu: Service,
R/o: At. Post: Nanded
Tq., Dist: Nanded.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad Nanded.

....Respondents.

WITH
WRIT PETITION NO. 7567 OF 2016

Dnyaneshwar S/o. Devidas Tippanbone
Age: 35 years, Occu: Service
R/o: At. Post: Nadihattarga
Tq. : Nilanga Dist: Latur

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.

2. The Chief Executive Officer,
Zilla Parishad Nanded.

....Respondents.

Mr. Abhishek Deshpande h/f. Mr. S.B. Sontakke, Advocate for petitioners.

Mrs. A.V. Gondhalekar, A.G.P. for respondent/State.

Mr. S.B. Pulkundwar, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : February 27, 2017.

JUDGMENT : [PER T.V. NALAWADE, J.]

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

(i) All the petitions are filed for challenging the General Transfers made by Zilla Parishad, Nanded of its employees. Some petitioners are from non-teaching staff and the remaining petitioners are teaching staff (both from Class III category). The case of each petitioner is being discussed separately as in some cases facts are different. The transfers are under challenge and so, the relevant rules and policy of the employer with regard to transfer of its employees need to be seen first.

(ii) In catena of cases, the Apex Court has made it clear that no Government servant or employee of public undertaking has any

legal right to be posted forever at any particular place or at a place of his choice, if the appointment is to class or category of transferable post from one place to other. It is also settled law that in such case, when the transfer is in accordance with the rules and policy of the State, the Courts or Tribunals cannot ordinarily interfere with such orders and the Courts, in such matters need to start with presumption that such transfer was in public interest and it was for efficiency in public administration. In view of this position of law, employees, who challenge the transfer orders need to show to the Court that malafides can be attributed to the order of transfer [Reliance placed on **MANU/SC/0585/2004 [State of U.P. and Ors. Vs. Siya Ram and Anr.]**].

2) In the case reported as **2010 (2) Bom.C.R. 648 (BOMBAY HIGH COURT) (AURANGABAD BENCH) [Vyankatrao Ghalappa Savle Vs. Zilla Parishad and Ors.]**, this Court had occasion to consider the transfers of Class III and Class IV employees of Zilla Parishad. In that case, for inter district transfer, the rules given in Government Resolution (hereinafter referred to as 'G.R.' for short) dated 27.5.2000 were considered. The employees had argued in respect of their so called right to get benefit of couple convenience rule. In that matter also, this Court held that if the transfer is well within the relevant rules, it cannot be cancelled

unless malafides are made out. In the case reported as **MANU/MH/0093/1998 [Yogesh Pratap Singh Vs. Government of Maharashtra and Ors.]**, this Court, while considering the challenge to transfer on couple convenience rule, made observation at para No. 5, which are relevant for present purpose, as under :-

"Before we go to the pleadings, we must bear in mind the approach of the Hon'ble Supreme Court and the scope of judicial review in matters of challenge to an order of transfer. As far as the guidelines regarding posting of husband and wife at a particular place are concerned, we may refer to the decision of the Supreme Court in Bank of India Vs. Jagjit Singh Metha, MANU/SC/0095/1992 : (1992) I LLJ 329 SC. In para 5 of the judgment at page 520 of the report, the Supreme Court observed that there can be no doubt that ordinarily, and as far as practicable, the husband and wife who are both employed should be posted at the same station even if their employers be different. The desirability of such a course is obvious. However, this does not mean that their place of posting should invariably be one of their choice, even though their preference may be taken into account while making the decision in accordance with the administrative needs. In the case of All India Service (like case before us), the hardship resulting from the two being posted at different stations may be unavoidable at times particularly when they belong to different services and one of them cannot be transferred to the place of the other's posting. While choosing the career and a

particular service, the couple have to bear in mind this factor and be prepared to face such a hardship if the administrative needs and transfer policy do not permit the postings of both at one place without sacrifice of the requirements of the administration and needs of other employees."

3) In the present matters, most of the petitioners are claiming that the benefit of G.R. dated 15.5.2014 of Rural Development Department of the State Government is not given to them. In view of such contention, this G.R. and the other relevant G.Rs. are being discussed by this Court and sum and substance of the policy of the Government is quoted. In G.R. dated 15.5.2014, there are many parts. This Court is discussing only some parts and further, only those portions of the parts, which are relevant for the present purpose.

In Part I of the aforesaid G.R. of 2014, the reasons behind the policy are given. Some important points of this part are as follows :-

(I) The policy is applicable to the general transfers and if the previous policy is modified, such modification is specifically mentioned in the G.R. to show that the said policy is changed.

(II) To ascertain as to whether employee is due for transfer, the relevant date is 31st May of that year and the service rendered continuously up to that date, at that station is to be counted.

(III) **Object or purpose behind the policy :-** (a)

The object is to fill the vacancies of Tahsils which are tribal areas and of the Tahasils where there are always more vacancies than the average vacancies of Tahsils. It is also to see that the directions given in Writ Petition No. 3278/2010 by this Court at Principal Seat on 13.9.2012 and 21.11.2012, to fill all vacancies of tribal area, naxalite area (T.A./N.A.) are complied.

(b) After filling the vacancies of T.A./N.A. and other Tahsils mentioned in clause (a), where there are always vacancies, create balance of vacancies for other Tahsils.

(c) For achieving this object, filling the vacancies, consider request transfer applications of employees who have not even completed five years of service at the station and use administrative power.

(d) To see that the employees, who have worked for more time in T.A./N.A. are allowed to come out of those Tahsils.

(e) To see that the employees, who need to be

given priority are posted at convenient places, and

(f) To see that except the employees who are exempted from transfers, all other employees are made to work in T.A./N.A.

4) For making posting in T.A./N.A., following procedure is required to be followed :-

(a) The employees who have worked continuously for three years in T.A./N.A. (excluding the leave availed during said posting) are not to be considered in the first process of transfer. Thus, the employees, who had worked in the past in such areas are to be protected and they are not to be taken in consideration zone for their transfers from Tahsil where they are working.

(b) For filling the vacancies in T.A./N.A., the employees are to be considered on the basis of their seniority.

(c) If after considering the employees from category (b), the posts of T.A./N.A. remain vacant, then the employees, who had worked in T.A./N.A. in the past, five years prior to the relevant date, can also be considered for such posting and for that, their seniority is to be considered.

5) The employees of Zilla Parishad will be entitled to couple convenience transfer if the other spouse is working in the same Zilla Parishad, within the area of Zilla Parishad in Departments of State Government, Central Government, other Local Body, Public Section Undertaking (of Central or State Government) or in Government approved institution. If the employee is entitled to such benefit, the distance between the place of work of such employee and the place of work of other spouse should not ordinarily be more than 30 k.m. However, the limit of the distance will not apply if no vacant post for such convenient posting is available. For making an attempt to give convenient place, the counsellings is to be done before issuing order of transfer.

6) The employees, who are handicapped as per the provisions of the Persons with Disabilities Act, 1995 and Rules made by the Government in that regard from time to time are exempted from transfer. The parents of mentally retarded children (in case parents are not alive, the employee who is brother or sister of mentally retarded children) are exempted from transfer. For getting the exemption, these employees need to produce certificate issued by Civil Surgeon or competent authority before 30th April of that year. (There are other exempted categories, but they are not

relevant for the present matters, so they are not mentioned).

7) The following sequence need to be observed for making transfers.

(a) First, the employees who are working in T.A./N.A. and who have completed three years of continuous service in that area are to be treated as the persons due for transfer and they are to be transferred to give them posting in non T.A./N.A. Priority is to be given to various categories of such employees in following sequence.

- (i) The employees suffering from paralysis.
- (ii) The employees who have undergone heart operation.
- (iii) The employee, who has one kidney or who has undergone kidney transplant operation or the employee requiring dialysis.
- (iv) The employee suffering from cancer.
- (v) The wife of Ex-Serviceman or Serviceman.
- (vi) Unmarried lady employee.

(b) For making transfers of employees who are working in areas other than T.A. and N.A. also, aforesaid

sequence of the priority is to be observed. Thus, the employees of these special categories are to be given priority at the time of their transfers and an attempt is to be made to see that their transfers are made at convenient places. This shows that for that, seniority is to be ignored.

(c) After making transfers of (a) and (b) categories of employees mentioned above, the employees from T.A./N.A., who have completed three years of service, but who do not fall under aforesaid categories are to be considered for transfers.

(d) After considering categories (a), (b) and (c) mentioned above, request transfer applications are to be considered and such request transfers should not be against the object/policy mentioned in the G.R. viz. to fill the vacancies in T.A./N.A. and in Tahsils where there are always more vacancies than average vacancies. Thus, care needs to be taken that request transfer is not to be made in contravention of the policy. For request transfer also, special categories are given like categories (a) and (b) and in those categories one more category is added viz. couple convenience category. Clause 4 (4) of Part I of the G.R.

shows that for request transfers of the employees, falling under the special categories, the condition of putting in service of five years at that place is relaxed. However, when there are many request transfer applications, the sequence of priority given in the aforesaid clause need to be followed and further, the seniority of the application for such transfer also needs to be considered. Thus, when there is application of employee for request transfer and that employee is due for transfer and he falls under special category, he will get priority over similarly placed employee, who is not due for transfer, but who wants transfer on request.

(e) When the postings are to be made of the employees in T.A./N.A., counselling of lady employees need to be done first so that they get their choice postings.

(f) **Mutual Transfers :-** The employees, who have worked in Tahsil for five years are eligible for making application for mutual transfer. That application can be considered only after considering the transfers of aforesaid categories. The G.R. further makes it clear that the ground of mutual transfer is not applicable to the employees who

are transferred under aforesaid (a) to (e) categories which includes request transfer. Further, the ground of mutual transfer is not available for inter Tahsil transfer.

(g) Ordinarily, the place at which the employee had worked in the past is not to be given to him on transfer. This condition would however not apply to solitary post. Similarly, ordinarily the employee is not to be posted at his native place.

8) The period necessary for treating employee due for transfer :-

(i) The employee, who has worked continuously for three years (excluding leave period) in T.A./N.A. by stay there, is to be treated as due for transfer.

(ii) For inter district transfer of employee working in area other than T.A./N.A., the employee, who has completed 10 years of continuous service by his stay there, is treated as due for transfer.

9) The transfer is not to be made if vacant post is not available and vacant post is not becoming available due to transfer of other employees.

10) Clause 8 (10) of Part I of the G.R. provides that if irregularities in inter district transfer is brought to the notice of Divisional Commissioner, the Divisional Commissioner is to make inquiry in to it and give decision on it within 30 days. The decision of the Divisional Commissioner is to be treated as final.

11) **Time Table for Transfers :-** Inter district transfers are to be made once in a year between 5th May and 15th May. For the transfer, time table given in clause 9 of Part I of G.R. is to be followed. The time table include publishing of, preparation of seniority list, taking objection on seniority list, giving decision on objections and making transfers on the basis of seniority list after counselling. This process involves giving of the names of the places of choice by the employees. They are, however, subject to the aforesaid policy.

12) In Part II of G.R. some more conditions are quoted which need to be kept in mind while making the transfer and they are as under :-

(I) (a) For transfer on administrative ground in any case 10% employees need to be transfered from T.A./N.A. to other Tahsils. This percentage does not include the

persons who are residing in such areas and who do not want transfer. Thus, the minimum percentage of 10% is in respect of the employees who want transfer from such areas. Even if no employee is due for transfer, for filling of the vacancies in T.A./ N.A., there is no limit of any percentage of transfer of employees from other Tahsils to T.A./N.A. In the same way for having balance of vacant posts in other Tahsils where there are usually more vacancies than average vacancies, there is no limit of transfer of employees from other Tahsilds to such Tahsil.

(b) For transfer on request, there will be limit of 5% for teaching staff, Gramsevak and Village Development Officer. Thus, if the request transfer would exceed the limit of 5%, such transfer cannot be allowed.

(II) Before starting of the process of counselling, the list of vacant posts available and the posts which will be become vacant due to transfers in that year is required to be published. The publication of such list gives opportunity to the employees to give their choice for convenient posting in writing. If it is not possible to give such convenient posting, during counselling, the alternatives

available are to be told to such employee and the recording of this process is required to be done. Written record is also required to be created of such process. If any employee does not turn up for counselling, in that case also, the Zilla Parishad is expected to consider the choice given by employee in the application filed for that year for transfer. The counselling is also subject to policy of the State quoted above, filling of vacancies in T.A./N.A. and other Tahsils where there are always more vacancies than average vacancies.

(III) The priority given in Clause IV of Part I is to be followed and the candidates as per that clauses are to be called for counselling and then the remaining employees are to be called as per their seniority for counselling.

13) Part III and Part IV of the G.R. are not that relevant for the present matters. Part V of G.R. shows that the employer can reduce the period mentioned above and increase the period in exceptional cases where there is such need for administrative purpose. The procedure to be adopted also shows that power is given to Divisional Commissioner to supervise the things and intervene when the correction is required.

14) Copy of correspondence made by Government with all the Zilla Parishads having date 16.5.2014 shows that the minimum percentage of 10% mentioned above, for transfers of employees from T.A./N.A. was increased to make it 30% for the year 2016. This was done as many employees were required to work in T.A./N.A. for the period longer than expected by the policy. This also makes clear the priority of the Government viz. to see that employees working in T.A./N.A. are not detained their for longer period as the other employees are ordinarily not ready to go to that area and such employees are not relieved unless the reliever reaches there.

15) The G.R. dated 6.8.2002 of General Administration Department of Government shows that tribal areas are to be given special treatment. Even the posts of officers were not to be kept vacant in such areas and special scheme was created for the benefit of the persons living in that area.

16) It was submitted for petitioners from some proceedings that Tahsils Kinwat and Mahur do not fall under the categories T.A./N.A. mentioned in G.R. dated 15.5.2014 and 6.8.2002. In that regard, there is G.R. dated 9.3.1990 of Tribal Development Department of the Government. This G.R. shows that new areas

were declared as T.A. for giving the benefits of Government schemes to the people of that area and one Tahsil Viz. Kinwat of Nanded district was declared as scheduled area for that purpose. The area of entire Kinwat Tahsil was declared as scheduled area, having 185 villages, though it was declared that area was partly covered as scheduled area. Kinwat was subsequently divided to create new Tahsil viz. Mahur. But, the area of Mahur is still scheduled area under the G.R. There is one G.R. dated 15.10.2015 of Tribal Development Department of Government showing that benefits of the schemes are given to villages from Tahsil Mahur.

17) The aforesaid policy of the Government shows that special treatment is given to T.A./N.A. and the employees are expected to work in that area atleast once. When it becomes necessary, the employee who had worked in that area in the past can be again posted in that area. This decision is in public interest. Only the employees, who are totally exempted from transfer can say that they cannot be transferred to T.A./N.A. This Court is expected to go with the presumption that the seniority lists were prepared as per the aforesaid procedure and the special categories were considered separately. It is already observed that couple convenience rule is only for convenience purpose and on that ground, exemption cannot be claimed from transfer. The rule of couple convenience cannot

come in the way of Zilla Parishad to transfer an employee to T.A./N.A.

18) Most of the petitions involve the transfer of petitioners to tribal area (either Kinwat Tahsil or Mahur Tahsil). The proceedings show that after receiving the transfer orders most of the petitioners directly filed writ petitions in this Court and they did not approach the Divisional Commissioner, forum created for considering the grievances. Only when this Court gave directions in September, 2016, most of the petitioners approached the Divisional Commissioner to tell their grievance. The record and the submissions show that in some cases, the orders were cancelled by the Commissioner. Reasons are given for rejection of the representations by Divisional Commissioner. The employees who had come to this Court and whose representations are allowed by the Commissioner, withdrew their proceedings filed in this Court. Those cases were involving transfers to area other than T.A./N.A.

19) The submissions made in the present proceedings show that no malafides can be attributed to the orders of transfers made against the petitioners. It is shocking that many petitioners did not join the new postings even when aforesaid policy is made by the Government in public interest. After giving directions by this Court in

September 2016, few petitioners joined the new postings. Some petitioners are now contending that they were not allowed to join the new posting after giving directions by this Court by informing that the posts were not vacant. It can be said that in view of the policy of the Government, some adjustment was required to be made by Zilla Parishad to see that the posts in T.A./N.A. do not remain vacant due to conduct of the employees like some of the petitioners. Benefit of this circumstance cannot be given to the petitioners. The learned counsel for Zilla Parishad has produced a letter dated 1.2.2017 showing that alternate arrangement was made by Zilla Parishad due to circumstance that the petitioners had not joined their duties in tribal area. In the letter, it is informed that if the petitioners are ready to resume the duty at the places shown in transfer order, the teachers who were posted there for making arrangement will be removed from there and the petitioners will be allowed to resume the duty. In view of this information also, this Court holds that there is no force in the contention made by some of the petitioners that they were not allowed to join new postings. It can be said that there are some letters written by the few schools of that nature, but when the authority is ready to take steps as mentioned in letter dated 1.2.2017, this Court needs to believe that such step will be taken.

20) The dates of transfer orders show that most of the petitioners were expected to join new postings before 10th of June 2016. Most of the petitioners have not joined new postings. Some petitioners joined the new postings only when this Court made order in September 2016. Due to the aforesaid conduct of the petitioners, the petitioners, who have not joined at the places given to them in transfer order, for administrative convenience, it will be open to Zilla Parishad to place them at other places and for that there will not be need to go for counselling again. Due to this conduct of those petitioners, it will open to Zilla Parishad to take disciplinary action including starting of departmental enquiry for dereliction in duty and disobedience of the order and it will be open to the Zilla Parishad to take decision with regard to the period of absence in view of aforesaid conduct of the petitioners. As such petitioners have created complications by approaching this Court and they have made it difficult to implement the aforesaid policy of the Government, this Court has formed the opinion that they need to be made to pay cost so that they realize that they cannot misuse the process of law.

21) Hereinafter the cases of each and every petitioner are being considered separately. This Court is considering the petitions in Groups as many counsels argued for different groups of the

matters.

GROUP NO. I

WRIT PETITION NO. 5984 OF 2016

22) The petitioner is a lady primary graduate teacher and she is transferred from Zilla Parishad Primary School Degloor to Gokuda Marathi, Center Nayacamp, Tahsil Kinwat, a tribal area, district Nanded. Here only it needs to be mentioned that most of the petitioners are transferred to Tahsils Kinwat and Mahur which are declared as T.A. as already observed. It is the case of petitioner from Writ Petition No. 5984/2016 that the distance between Nayacamp and the place of employment of her husband is around 230 k.m. and as the distance is more than 30 k.m. prescribed by the policy, the transfer needs to be cancelled. Her husband is working as higher secondary teacher in private junior college from Khatgaon, Tahsil Biloli, District Nanded since 1997. This private college has no other college at other place and so, the husband will never be transferred. This petitioner never worked in T.A. and the transfer is as per her seniority. In view of the policy already quoted, it is not open to her to say that she cannot be transferred at the place which is situated at the distance of more than 30 k.m. from the place of service of her husband. Though there is the circumstance that the husband will never be transferred and she is required to be posted in T.A., she did not join the duty and directly filed the writ petition even when there

was forum available to raise her grievance before Divisional Commissioner. There is wrong presumption in the minds of the employees like this petitioner that when they file proceedings in High Court the employer is not expected to implement the transfer orders. It appears that there is misconception to some extent in the mind of authority also and the authority does not take action against such employee if they do not join the new posting due to pendency of such matters. It appears that in the present matter, due to the order made by this court in September 2016, she attempted to join the new posting in October 2016. In view of the policy already discussed, the Zilla Parishad could not have kept the place of posting of petitioner Nayacamp vacant and so, some alternate arrangement was made and the post was filled. The Divisional Commissioner has rejected the representation which was filed after filing of the writ petition. First time in the present proceeding submission was made by the learned counsel for petitioner that some employees are senior to her, but they are not transferred. This contention involve enquiry in to facts and this Court needs to presume that this factual aspect must have been considered by Zilla Parishad and the Divisional Commissioner. Further, the employees, who can be senior to the petitioner, may be having the benefit of special circumstances, categories already mentioned by this Court as a policy of the Government. Those persons are not made parties to the present

proceeding.

23) It was also argued by the learned counsel for petitioner that when under the policy not more than 10% employees can be transferred from T.A., in the present matter more than 10% employees are transferred out of T.A. and so, the order of transfer needs to be cancelled. It was submitted that even if the case of respondent that percentage is increased to 30% is considered, in that case also more than 30% employees cannot be transferred from T.A. This Court has already discussed the policy of the Government in that regard. This Court has no hesitation in mind to observe that the percentage mentioned is minimum percentage and the convenience of the employees working in T.A. needs to be considered first and it is open to the administration to transfer all the employees who have completed three years of continuous service in T.A. if it is for their convenience.

24) In view of aforesaid circumstances, this Court holds that the petition is liable to be dismissed. As the petitioner has caused inconvenience and problems of many kinds to the administration and the administration is required to spend for litigation, minimum cost of Rs.15,000/- needs to be imposed on the petitioner. In the result, the petition stands dismissed. Rule stands discharged. The petitioner

is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6089 OF 2016

25) The petitioner is a primary teacher and she is transferred from Katewadi, Center Hottal, Tq. Degloor to Dayaldhanora, Center Shivani, Tq. Kinwat, District Nanded. It is his case that the new place is situated at the distance of about 180 k.m. from the place of service of his wife. His wife is Zilla Parishad teacher. The arguments which were advanced in Writ Petition No. 5984/2016 were also advanced in this matter and for the same reasons, this Court holds that the petitioner cannot get relief of cancellation of transfer. In the present matter also, the petitioner never worked in T.A. The submissions made and the record show that his wife refused to take posting in the same Tahsil where the petitioner was being transferred. His representation is also rejected. In view of these circumstances, it is not possible to interfere in the transfer order. As he refused to join the new posting, petitioner needs to pay cost of Rs.15,000/- to Zilla Parishad. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6091 OF 2016

26) The petitioner is primary teacher. She is transferred from Paradwadi, Center Sujlegaon, Tahsil Naigaon, District Nanded to Lokhandwadi, Center Kosmet, Tahsil Kinwat, District Nanded. It is

the case of petitioner that her husband is headmaster of private school of Rui (Bk), Tahsil Naigaon, District Nanded and the distance between the new posting and the place of her husband is about 288 k.m. She did not join new posting. Her husband cannot be transferred as his employer is not having any other school or college at other place. She never worked in T.A. Her representation is rejected. For the reasons given in aforesaid writ petition, this Court holds that interference is not possible in the transfer order. As she did not join the duty, cost needs to be imposed on her. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6092 OF 2016

27) The petitioner is working as Primary Teacher at Sategaon, Center Krushnur, Tahsil Naigaon, District Nanded and petitioner is transferred to Bhis, Center Bhis, Tahsil Kinwat, District Nanded. It is the case of petitioner that her husband is Cluster Head in Zilla Parishad, Nanded at Talegaon, Tahsil Umri. The record and the submissions made show that her husband refused to go to same Tahsil, Kinwat. The petitioner never worked in T.A. Her representation is rejected. For the reasons already given, this Court holds that no interference is possible. As she did not join the new posting, cost needs to be paid by her to the Zilla Parishad. In the result, the petition stands dismissed. Rule stands discharged. The

petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6093 OF 2016

28) The petitioner, who is working as Cluster Head is transferred from center Golegaon, Tahsil Umri to center Anjankhed, Tahsil Mahur, District Nanded. It is the case of petitioner that her husband is Zilla Parishad teacher working at Biloli and the place of work of husband is situated at the distance of more than 250 k.m. from her new posting. She never working in T.A. There is no secondary school in Mahur. Other place was offered to her husband like Kinwat or Hadgaon to take care of convenience of the couple, but the husband of petitioner refused to take such posting. Her representation is rejected. Other argument was advanced for the petitioner is that she is suffering from asthma. This disease is not covered as special category under the policy of Government. It appears that she joined subsequently, on 30.9.2016 on the new posting. As she did not join immediately, this Court holds that she needs to pay cost of Rs.15,000/- to Zilla Parishad. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6094/2016

29) The petitioner is transferred from Patoda (Bk), Center Ratnalli, Tahsil Dharmabad, District Nanded to Central Primary School, Jaldhara, Center Jaldhara, Tahsil Kinwat, District Nanded. It

is the case of petitioner that her husband is Assistant Teacher in private school at Swagatnagar, Taroda (Kh.), Tahsil and District Nanded and this place is situated at the distance of 125 k.m. from the place of her new posting. She never worked in T.A. Her husband will never be transferred. Her representation is rejected. She joined the duty on 1.10.2016. For the reasons given in other matters, this Court holds that it is not possible to interfere in the order. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6203 OF 2016

30) The petitioner is transferred from Balegaon, Center Talegaon, Tahsil Umri, District Nanded to Patoda (Bk.), Center Pathoda (Bk.), Tahsil Kinwat, District Nanded. It is the case of petitioner that his wife is primary teacher in Zilla Parishad Central Primary School, Umri, Tahsil Umri, District Nanded and so, he cannot be transferred to the new place. The record shows that his wife refused to take posting in the same Tahsil, Kinwat where her husband, the petitioner is transferred. The petitioner never worked in T.A. His representation is rejected. He joined the duty, but subsequently, on 1.9.2016. So, for the reasons given in other matters, this Court holds that it is not possible to interfere in the order. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla

Parishad.

WRIT PETITION NO. 6214 OF 2016

31) The petitioner, headmaster is transferred from Central Primary School at Atkali, Center Atkali, Tq. Biloli, District Nanded to Primary School at Shindgi-Tanda, Center Mohpur, Tahsil Kinwat, District Nanded. It is the case of petitioner that his wife is primary teacher in Zilla Parishad and she is working at Atkali. He has further contended that he is suffering from cirrhosis of liver with partial hypertension. This disease is not covered under the special category. The record shows that his wife has refused to go to Tahsil where the petitioner was being transferred. He never worked in T.A. His representation is rejected. He joined the duty on 1.10.2016. For the reasons given in other matters, this Court holds that it is not possible to interfere in the order. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6216 OF 2016

32) The petitioner is working as lady primary teacher. She is transferred from Shahajinagar, Center Pethamrapur, Tahsil Degloor, District Nanded to Nandgaon-Tanda, Center Jaldhara, Tahsil Kinwat, District Nanded. Her husband is Zilla Parishad Primary Teacher working at Saidan, Center Jambhala, Tahsil Hadgaon, District Nanded. The place of husband is at the distance of 120 k.m. from

the place of transfer of petitioner. It is contended that petitioner had worked in Kinwat Tahsil in the past. There is record showing that she had joined in the Tahsil Kinwat in the past on 1.8.1996. But there is no record of putting in continuous service of three years as per the requirement. Further, there was no such contention in the petition and no such contention was made before Divisional Commissioner when hearing was given on representation. The record shows that her husband refused to go to the same Tahsil where the petitioner is posted. Her representation is rejected. As she did not work continuously for three years in the T.A., for the reasons given in other matters, the petition is liable to be dismissed. She did not join the duty at new posting. In the result, the petition stands dismissed. Rule stands discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6436 OF 2016

33) The petitioner is transferred from Karegaon, Center Pethamrapur, Tahsil Degloor, District Nanded to Zilla Parishad Primary School at Vastishala Hanumannagar Holi, Center Kosmet, Tahsil Kinwat, District Nanded. Husband of petitioner is working as Higher Grade Assistant in Life Insurance Corporation at Nanded and the distance is around 200 k.m. The petitioner never worked in T.A. As the husband cannot be transferred at the place of petitioner, the couple convenience is not possible. Her representation is rejected. It

appears that she joined the new posting immediately and so, the cost need not be imposed on her. In the result, the petition stands dismissed. Rule stands discharged with no order as to costs.

34) The record of this first group shows that instructions were passed by the petitioners to their counsel to withdraw the Writ Petition Nos. 5984, 6089, 6091, 6092, 6094, 6203, 6214 and 6216 of 2016. In spite of that the petitions were not withdrawn and the petitioners were argued on merits. In many of these petitions, even relief of cancellation of transfer order was not claimed and amendment was made in such petitions at eleventh hour. So, the petitions are to be treated as dismissed on merits.

GROUP NO. II

WRIT PETITION NO. 7355 OF 2016

35) The petitioner is transferred from Zilla Parishad Primary School, nagthana (Bk.), Center Umari, Tahsil Umri, District Nanded to Zilla Parishad Primary School Chikhali (Kh.), Center Chikhali (Bk.), Tahsil Kinwat, District Nanded at the distance of around 210 k.m. from the place of work of her husband. Her husband is working as Assistant Teacher in private high school, CIDCO, Nanded and so, he cannot be transferred. The petitioner never worked in T.A. She joined the duty, new posting immediately. For the reasons already given, it is not possible to interfere in the decision. In the result, the

petition stands dismissed. Rule stands discharged with no order as to costs.

WRIT PETITION NO. 7357 OF 2016

36) The petitioner is transferred from Primary School Koti Tirth, Center Pimpalgaon (Ko), Tahsil Nanded to Umari Tanda, Center Umari Ba., Tahsil Kinwat. It is the case of petitioner that her husband is working in Guru Gobind Singhji Institute of Engineering and Technology, Nanded as Laboratory Assistant. She never worked in T.A. Her husband cannot be transferred from the present place. She joined the duty on 4.6.2016. Her contentions are similar to the contentions made in the petitions already decided. There are vague contentions with regard to not following the rule of seniority. For that also, observations are made in previous proceedings. In the result, the petition stands dismissed. Rule stands discharged with no order as to costs.

WRIT PETITION NO.7354/2016

37) The petitioner is transferred from Central Primary School Barhali, Tahsil Mukhed to Nandgaon Tanda, Center Jaldhara, Tahsil Kinwat. It is her case that her husband is secondary teacher at Barhali in a private school. Her husband cannot be transferred. She did not join new posting. She never worked in T.A. For the reasons already given, it is not possible to interfere in the matter. In the result, the petition stands dismissed. Rule stands discharged. The

petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 7342 OF 2016

38) The petitioner is transferred from Vaijapur, Cender Nivgha, Tahsil Mukhed to Uttamnagar, Center Umri Bazar, Tahsil Kinwat. It is her case that her husband is working in private institution at Nanded. It appears that her husband is working as driver and so, he does not fall under the categories mentioned in policy. She never worked in T.A. She joined the new posting on 4.6.2016. For the reasons already given, the petition stands dismissed. Rule stands discharged with no order as to costs.

WRIT PETITION NO. 7959 OF 2016

39) The petitioner is transferred from Zilla Parishad Primary School Navi Abadi, Tahsil Hadgaon to Zilla Parishad Central Primary School, Sainagar, Center Wai (Bazar), Tahsil Mahur. Her husband is working as Assistant Teacher at the distance of 80 k.m. from this place in a private college at Hadgaon. She joined the new posting on 10.6.2016. She never worked in tribal area. Her husband cannot be transferred. For the reasons already given, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 7358 OF 2016

40) The petitioner is transferred from Jaitapur, Center Pimpalgaon, Tq. Nanded to Umri Tanda, Center Umri (Ba.), Tahsil Kinwat. It is the case of petitioner that her husband is working in

private college at Nanded. She joined new posting on 4.6.2016. Her husband cannot be transferred. She never worked in tribal area. For the reasons already given, it is not possible to interfere in the matter. The petition stands dismissed. Rule stands discharged with no order as to costs.

WRIT PETITION NO. 9716 OF 2016

41) The petitioner is transferred from Central Primary School, Kurula, Tahsil Kandhar to Dongargaon, Center Lyahari, Tahsil Hadgaon. Her husband is working as Assistant Teacher in Zilla Parishad School. As per the record, the reason for transfer is balancing vacancies in Tahsil. It is her grievance that some representations of similar nature were allowed. This Court has gone through the same and the reasoning shows that in those cases due to transfer of those persons, balancing was not achieved. In the present matter, representation is rejected as no such ground is available. For the reasons already given, no interference is possible. So far as her grievance is concerned, she had reason to approach this Court and so, this Court holds that it is not necessary to impose cost on her if she has joined new posting. So, the petition is dismissed. Rule is discharged with no order as to costs.

GROUP III

WRIT PETITION NO. 7339 OF 2016

42) This petition is filed by two employees. During

arguments, the learned counsel withdrew the petition of petitioner No. 1 and the matter was argued for petitioner No. 2. This petitioner claims that he is office bearer of Primary Teachers Association and this association is recognized association of the teachers and as such, he cannot be transferred for the period of 15 years in total. It is his case that at the relevant time, he was not due for transfer and so, his transfer order needs to be set aside. The submissions made and the record show that even prior to the transfer, he was not posted at Nanded headquarter. It is his case that he is Executive President for district Nanded of aforesaid association. G.R. dated 20.12.2012 filed by this petitioner shows that one employee nominated by State Association for district can be taken on Committee which is to work as Advisory Committee in administration matters of Zilla Parishad. A copy of letter written by the association is produced to inform that he is office bearer. This fact is disputed by filing affidavit in reply and it is contended by respondents that the name of the association given by the petitioner does not appear as recognized association in the G.R. dated 4.9.2014. As the matter involves disputed facts, it was necessary for the petitioner to approach the proper forum, Divisional Commissioner as mentioned in G.R. dated 15.5.2015. This Court holds that petition cannot be allowed. He did not join the new posting. In the result, the petition stands dismissed. Rule is discharged. Petitioner No. 2 is to pay cost

of Rs.15,000/- to the Zilla Parishad.

GROUP IV

**WRIT PETITION NO. 1849 OF 2016
WITH
CIVIL APPLICATION NOS.3413 AND 5064 OF 2016**

43) The petitioner was Head Mistress at Zilla Parishad High School, Chaufala, Nanded. She is transferred to Zilla Parishad High School (Girls) at Kinwat. She wants Nanded to take care of her college going issues. This order was on promotion and it was issued on 27.1.2016. In the past, she had requested for posting at the present place, Chaufala. Writ Petition No. 8774/2014 was filed by her and it was disposed of by this Court by giving direction to respondents to decide the representation filed by her. This representation came to be rejected on 16.10.2015. After that the petitioner was asked to join at Kinwat on promotion. The post at Kinwat is vacant for about three years. Then she filed Writ Petition No. 10903/2015. Status-quo was granted on 29.10.2015. But, subsequently the petition was rejected with direction to again consider the representation dated 12.9.2014. Again by order dated 26.1.2016, the petitioner was asked to join new posting at Kinwat. Now, it is her case that she could not have been transferred in the mid of the term and she could have been considered for transfer only for the academic year 2016-17 and so, the transfer is

challenged.

44) No interim relief is granted in favour of petitioner in the present matter. As this Court had refused to grant interim relief, she approached the Supreme Court. But, she did not get interim relief. In spite of that she did not join the new posting. The submissions made and the record show that her husband is working as Assistant Teacher in Kinwat, Tahsil itself and it will be convenient for both of them to work in the same Tahsil. But, she did not join the said posting. The aforesaid circumstances show that she created circumstances and she is trying to use those circumstances by contending that it will be mid term transfer.

45) In reply, the respondent Zilla Parishad contended that the petitioner tried to pressurize the Chief Executive Officer in many ways. She used backward caste and tribe association of employees to create pressure. Then she picked up quarrel with Chief Executive Officer and she gave abuses to him in filthy language. In respect of that incident, show cause notice was issued for taking disciplinary action against her and then she gave false report against the Chief Executive Officer for registering crime under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the Chief Executive Officer. Police did not find substance in

the matter. Then she approached criminal Court and then she came to this Court. This Court imposed cost of Rs.10,000/- on her. It appears that due to the aforesaid conduct, the petitioner is kept under suspension. But her headquarter is aforesaid place and so, she needs to report at aforesaid new posting. Copies of complaints made by the petitioner is kept on record and they are consistent with the reply affidavit. Even when she is under suspension, she did not report at new posting. In view of these circumstances, it is open to Zilla Parishad to take proper action also for not obeying the order of transfer and take proper disciplinary action against the petitioner. She created problems in the administration and she has misused the process of law. This Court holds that cost of atleast Rs.25,000/- needs to be imposed on her, so that she learns lesson. Such employee become liability for any department. In the result, the petition stands dismissed. Rule is discharged. The petitioner is to pay cost of Rs.25,000/- to the Zilla Parishad.

GROUP V

WRIT PETITION NO. 8112 OF 2016

46) The petitioner is transferred from Jambhali, Tahsil Mukhed, District Nanded to Laxminagar, Tahsil Kinwat. It is the case of petitioner that his wife is Assistant Teacher in Zilla Parishad and her place of posting is at the distance of 180 k.m. from the place of new posting of petitioner. He joined the new posting on 16.6.2016.

He has contended that he is entitled to benefit of couple convenience policy of the Government and so, his transfer needs to be cancelled. Admittedly, he never worked in tribal area in the past. His representation is also rejected on the aforesaid ground. In the result, the petition stands dismissed. Rule is discharged with no order as to costs.

GROUP NO. VI

WRIT PETITION NO. 6867 OF 2016

47) The petitioner is transferred from Zilla Parishad Central Primary School Junni, Tahsil Dharmabad to Zilla Parishad Central Primary School, Phulenagar, Tahsil Kinwat, a tribal area. His wife is working as Assistant Primary Teacher in Zilla Parishad, Biloli at the distance of 130 k.m. from the new posting of petitioner. His representation is rejected as he never worked in tribal area. It is not his case that his wife would take posting in Kinwat Tahsil. He did not join the new posting. This Court holds that it is not possible to interfere in the matter. In the result, the petition stands dismissed. Rule is discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NOS. 6505, 6860, 6414 AND 6394 OF 2016

48) All the petitions are filed to challenge the transfer order by contending that they are entitled to the benefit of couple convenience policy. In these proceedings, other spouse is in private

service and so, the other spouse cannot be transferred to take care of the convenience of petitioner. The petitioners were either transferred to Kinwat or Mahur in the tribal area. In Writ Petition No. 6394/2016, ground of illness like spondylosis is also given. But the said illness does not fall in special category quoted in aforesaid G.R. In the result, the petitioners are dismissed. Rule is discharged. Each petitioner from aforesaid writ petitions is to pay cost of Rs.15,000/- to the Zilla Parishad.

GROUP VII

WRIT PETITION NO. 7201 OF 2016

49) The petitioner is transferred from Chincholi, Tahsil Kandhar, District Nanded to Islampur, Tahsil Kinwat. She joined new posting on 10.6.2016. The other spouse is working in private school and so, there is no possibility of transfer of other spouse. It is not the case of petitioner that petitioner had worked in tribal area at any time in the past. For the reasons given in other petitions, the petition stands dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 8442 OF 2016

50) The petitioner was transferred from Chikhal-Bhosi, circle Panbhosi, Tahsil and District Nanded to Ejali, Tahsil Mudkhed. Then the new posting was changed on 8.7.2016 to make it Talegaon, Circle Tamsa, Tahsil Hatgaon, District Nanded. It is the case of

petitioner that his place of new posting is at the distance of 140 k.m. from the place of work of his wife and so, the transfer needs to be cancelled. The wife is working in private school at Loha and she cannot be transferred. This transfer is made for balancing vacancies, to fill the vacancies which are more than average vacancies in Hatgaon. For the reasons already given in other matters, this Court holds that no interference is possible. He did not join the duty at new posting. In the result, the petition stands dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 7082 OF 2016

51) The petitioner is transferred from Eataipura, Tahsil Kandhar, District Nanded to Pangri, Circle Bisi, Tahsil Kinwat, District Nanded. Husband of petitioner is working in Secondary Ashram Shala, Bijewadi, Tahsil Kandhar and the place is situated at the distance of 170 k.m. from new posting of petitioner. She joined the duty immediately. She never worked in tribal area. For the reasons already given, the petition stands dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 6968 OF 2016

52) The petitioner is transferred from Devulgaon, Tahsil Loha, District Nanded to Bedi Tanda, Circle Pradhan Sangvi, Tahsil Kinwat, a tribal area. It is the case of petitioner that this place is

situated at the distance of 205 k.m. from the place of work of husband and husband is also working in Zilla Parishad School at Hattalwadi. The petitioner joined the duties immediately. She never worked in tribal area. For the reasons already given, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 6954 OF 2016

53) The petitioner is transferred from Penur, Circle Shevadi, Tahsil Loha, District Nanded to Raipur Tanda, Tahsil Kinwat, which is tribal area. It is the case of petitioner that place of work of his wife is situated at the distance of 220 k.m. from his new posting. The wife is working as Gramsevak in Loha Tahsil. It is the case of petitioner that he joined the duty immediately. He never worked in tribal area. For reasons already given, the petition stands dismissed. Rule is discharged with no order as to costs.

GROUP VIII

WRIT PETITION NO. 6783 OF 2016

54) The petitioner is transferred from Zilla Parishad School Rita, Tahsil Bhokar to Kaya Kivat, Tahsil Kinwat, which is tribal area. She never worked in tribal area. She is claiming benefit of couple convenience policy. Her husband is working as Naib Tahsildar at other place. She joined the new posting on 10.6.2016. For the reasons already given, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 6782 OF 2016

55) The petitioner is transferred from Kini, Tahsil Bhokar to Chikhali (E), Tahsil Kinwat, a tribal area. It is the case of petitioner that his wife is working in Zilla Parishad and place of work of his wife is situated at the distance of 125 k.m. from his new posting. It is not the case of petitioner that wife is ready to go to his new place. He never worked in tribal area. He joined on 4.6.2016. In view of the reasons given already in other petitions, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 6787 OF 2016

56) The petitioner is transferred from Navi Abadi, Tahsil Bhokar to Jaldhara, Tahsil Kinwat. It is the case of petitioner that his wife is working as teacher in Zilla Parishad at Karbi, Tahsil Bhokar and this place is situated at the distance of 125 k.m. from his new posting. It is his case that his wife is suffering from corrosive stricture of oesophagus and she has undergone surgery and it is necessary to look after her. He never worked in tribal area. On the aforesaid ground, the transfer could not have been stopped. He joined new posting on 4.6.2016. For the reasons already given in other proceedings, the petition stands dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 9859 OF 2016

57) The petitioner is transferred from Taroda (B), Tahsil and

District Nanded to Wai Bazar, Tahsil Mahur, which is tribal area. It is the case of petitioner that her husband is working in health department of Zilla Parishad, Nanded. She did not resume duty on the new posting. She never worked in tribal area. For the reasons already given in other petitions, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to Zilla Parishad.

WRIT PETITION NO. 9860 OF 2016

58) The petitioner is transferred to Himayatnagar to Pangari Tanda, Tahsil Kinwat, a tribal area. It is the case of petitioner that her husband is working in Maharashtra State Electricity Distribution Company at other place and the distance between the two posting will be 175 k.m. She is claiming the benefit of couple convenience policy. She did not join the new posting. For the reasons already given, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 9856 OF 2016

59) The petitioner is Head Master and he is transferred from Pimpalgaon, Tahsil Ardhapur to Lehari, Tahsil Hadgaon. This transfer is made for balancing the vacancies in Hadgaon. It is his case that due to his transfer, balancing is not achieved. He did not join immediately the new posting. This Court cannot consider as to whether the balancing was achieved or not and the proper authority

like Divisional Commissioner could have considered that point. For the reasons already given in other matters, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 9857 OF 2016

60) The petitioner is Head Master and he is transferred from Dabhad, Tahsil Ardhapur to Ambala, Tahsil Hadgaon for balancing vacancies. He did not join the new posting. For the reasons already given, this Court holds that interference is not possible. In the result, the petition stands dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 9858 OF 2016

61) The petitioner is transferred from Zilla Parishad School Ambegaon, Tahsil Ardhapur to Dorli, Tahsil Hadgaon for balancing the vacancies. He did not join the new posting. For the reasons already given, this Court holds that interference is not possible. In the result, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

GROUP NO. IX

WRIT PETITION NO. 8115 OF 2016

62) The petitioner is transferred from Berali (Kh.), Tahsil Mukhed to Jaldhara, Tahsil Kinwat which is a tribal area. It is the case of petitioner that he had worked at Rodanaik Tanda, Tahsil

Kinwat between 1995 to 1999, for the period of four years and so, he again cannot be transferred to tribal area. It can be said that the transfer order under challenge was made in the year 2016, and for last more than 15 years he was serving out of tribal area. The relevant portions of the G.Rs. are already quoted. For filling the vacancies in tribal area, which is to be given preference, such transfer is possible. Fortunately he joined the new posting on 4.6.2016. In the result, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 9662 OF 2016

63) The petitioner is transferred from Kendriya Primary School Kawadgaon, Tahsil Degloor District Nanded to Mohagaon, Tahsil Kinwat, a tribal area. It is his case that he was not due for transfer and so, he could not have been transferred. Fortunately, he joined the new posting. The provisions of relevant G.Rs. are already quoted showing that for filling the vacancies, the persons who are even not due can be transferred if the list of persons who are due is exhausted. However, there is one more ground. It is his case that his son is mentally retarded. He obtained certificate on 7.7.2016. Thus, it was not produced for consideration before 30.4.2016. Due to absence of such certificate, he was transferred. He want transfer to Degloor Tahsil as his son requires treatment at Hyderabad and Nanded. It appears that he filed representation before Divisional

Commissioner on 21.7.2016. This Court has seen the certificate issued by the Medical Board. In view of the provisions of G.R. already quoted, this representation needs to be considered by Zilla Parishad or the Divisional Commissioner. As there was no illegality or irregularity in making the transfer order, in view of the aforesaid circumstances, the petition cannot be allowed. But the petitioner is entitled to place his representation before Divisional Commissioner and also before the Chief Executive Officer in view of the aforesaid ground. Such representation needs to be considered within 45 days if it is already there and if it is not there, petitioner is entitled to make the representation which needs to be decided within 45 days from its receipt. The circumstance that it will be mid term transfer will not come in the way of petitioner to get the relief as provided in G.R. So, the petition is dismissed with aforesaid observation. Rule is discharged with no order as to costs.

WRIT PETITION NO. 8126 OF 2016

64) The petitioner is transferred from Kendriya Primary School, Hanegaon, Tahsil Degloor to Primary School at Balegaon, Tal. Umri for balancing vacancies. It is the case of petitioner that he was not due for transfer. This Court has already quoted the policy of Government mentioned in the G.Rs. which enables the authority to make transfer of the employees who are not due to Tahsil where there are more vacancies than the average vacancies. Fortunately,

he joined the new posting on 4.6.2016. For the reasons already given in other petition, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 8133 OF 2016

65) The petitioner is transferred from Chandola, Tahsil Mukhed to Kalamhed, Tahsil Mahur, which is tribal area. The petitioner never worked in tribal area in the past. Her husband is working in Ashram School at Marwadi-Tanda, Tahsil Naigaon which is a private institution. His post is not transferable. The petitioner did not join the new posting. For the reasons already given, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 8129 OF 2016

66) The petitioner is transferred from Narsi, Tahsil Naigaon to Thara, Tahsil Kinwat, a tribal area. It is the case of petitioner that his wife is working as Assistant Teacher in Tahsil Mukhed and his new posting is at the distance of 200 k.m. from the place of work of his wife. He never worked in tribal area in the past. He did not join the new posting. For the reasons already given in other matters, this Court holds that interference is not possible. The petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 8128 OF 2016

67) The petitioner is transferred from Dhanaj, Tahsil Mukhed to Laxminagar, Tahsil Kinwat, a tribal area. It is the case of petitioner that his wife is working as Assistant Teacher at Manjram, Tahsil Naigaon and the new posting of the petitioner is situated at the distance of 235 k.m. from the place of work of his wife and he is not getting the benefit of couple convenience rule. He never worked in tribal area. He did not join the new posting. For the reasons already given in other matters, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

GROUP X

WRIT PETITION NO. 9560 OF 2016

68) The petitioner is transferred from Zilla Parishad Primary School, Datala, Tahsil Kandhar to Zilla Parishad Primary School at Hardaf, Tahsil Hadgaon. It is the case of petitioner that the seniority list was not prepared correctly and so, his transfer is illegal. He is also claiming relief of couple convenience rule. His representation is rejected. He wants posting near Nanded. The seniority list published was not challenged. He has contended that some similar representations were allowed, but his representation is rejected by the Divisional Commissioner. This Court has gone through the reasoning given by the Divisional Commissioner for allowing other representations and facts of those cases were different. The present matter involves factual aspect also. He is transferred for balancing

vacancies. He did not join the new posting. For the reasons already given, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to Zilla Parishad.

WRIT PETITION NO. 9136 OF 2016

69) The petitioner is transferred from Zilla Parishad Central Primary School, Labour Colony, Nanded to Vasti Shala, Sakarni Tanda, Tahsil Kinwat, a tribal area. She is claiming benefit of couple convenience rule. Her husband is working as Primary Teacher in Zilla Parishad. Her representation is rejected by the Divisional Commissioner. She never worked in tribal area. She did not join the new posting. For the reasons already given, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 7809 OF 2016

70) The petitioner is transferred from Zilla Parishad Central Primary School Mohapur to Zilla Parishad Central Primary School Daheli Tanda, Tahsil Kinwat. It is the case of petitioner that only 10% employees could have been transferred out of that Tahsil and so, there could not have been any vacancy for the petitioner in Tahsil Kinwat, but that policy is not followed and so, the transfer needs to be cancelled. For the reasons already given, this Court holds that petition cannot be allowed. He joined new posting on 1.7.2016. It is his contention that the communication was not made in time with

him and in the past also his previous posting was also in Kinwat Tahsil. It can be said that it is inter Tahsil transfer. He was working at previous station since 9.4.2010 and he came to be transferred on 5.4.2016. Part III of G.R. dated 15.5.2014 shows that for inter Tahsil transfer the period of five years is fixed to presume that the employee has become due for transfer. The G.R. also shows that minimum 10% of employees need to be transferred compulsorily in such cases. In view of these circumstances, the submission of the petitioner that he could not have been transferred from Mohapur cannot be accepted. However, there is no need to impose the cost on the petitioner as he is working in tribal area and he wants to work in tribal area. The petition stand dismissed. Rule is discharged with no order as to costs.

GROUP XI

WRIT PETITION NO. 10142 OF 2016

71) The petitioner is transferred from Zilla Parishad Primary School at Mukramabad, Tahsil Mukhed to Zilla Parishad School at Mandvi, Center Palshi, Tahsil Kinwat, a tribal area. She is challenging the transfer on the ground that couple convenience rule was not followed and her husband is working at the distance of 302 k.m. from the new posting of the petitioner. Her husband is working at Zilla Parishad School at Ramatpur, Center manur (Bk.), Tahsil Degloor. She never worked in tribal area. She joined duty on

7.6.2016. For the reasons already given in other matters, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NOS. 10143 AND 10144 OF 2016

72) These two petitions are filed by husband and wife. Both were due for transfer. Husband was working at Markhel, Center Loni, Tq. Degloor and he is transferred to Malakjamb Tanda, Center Apparaopeth, Tq. Kinwat, a tribal area. He joined there on 4.6.2016. Wife was also working at Devangir, Center Loni, Tahsil Degloor and she is transferred to Shivni, Center Shivani, Tq. Kinwat, a tribal area. She also joined as per the transfer order. Same Tahsil is given to them. The contentions involve some factual aspect and those cannot be considered. For the reasons already given, this Court holds that petitions need to be dismissed. So the petitions are dismissed. Rule is discharged. No order as to cost in both the petitions.

WRIT PETITION NO. 10145 OF 2016

73) The petitioner is transferred from Markhel, Center Loni, Tahsil Degloor to Kosmet, Center Kosmet, Tahsil Kinwat, a tribal area. It appears that petitioner was first transferred to Palshi, Tahsil Kinwat and then he came to be transferred to Kosmet, Tahsil Kinwat. He was due for transfer. He never worked in tribal area. It is the case of petitioner that his father is suffering from epilepsy. On this ground, the transfer cannot be stopped or cancelled. He joined the

new posting in time. In view of the policy given in the aforesaid G.Rs. and for the reasons given in other matters, the petition is dismissed. Rule is discharged with no order as to costs.

GROUP XII

WRIT PETITION NO. 6784 OF 2016

74) The petitioner is transferred from Siradhon, Tahsil Kandhar to Shelu, Center Karanji, Tahsil Mahur, a tribal area. The petitioner is claiming relief on the ground that couple convenience policy was not followed and her husband is working at the distance of 225 k.m. from her new posting. Her husband is working in Rural Hospital at Warad, Tahsil Mukhed. She never worked in tribal area. For the reasons already given, the petition is dismissed. Rule is discharged. As she did not join the new posting, she need to pay cost of Rs.15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6481 OF 2016

75) The petitioner is transferred from Bolka, Tahsil Kandhar to Senivarpeth, Center Pradhan Savangi, Tahsil Kinwat, a tribal area. Her husband is working in Zilla Parishad Primary School at Ghotka, Center Malegaon, Tahsil Loha. She did not join the new posting immediately. She never worked in tribal area. For the reasons already given, the petition is dismissed. Rule is discharged. the petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

GROUP XIII

WRIT PETITION NO. 7009 OF 2016

76) The petition is filed by twenty two employees of Class III cader. Vague contentions are made by them that seniority list was defective. It is their contention that their transfers are not as per policy given in the G.R. They have also made contention that the transfers are in breach of percentage fixed for transferring employees. It is their contention that hearing was not given as per the procedure during counselling to them. It is their contention that due to their transfers, balancing of vacancies is not achieved, but it is disturbed.

77) As each petitioner can have a separate contention and each transfer needs to be considered separately, on this ground itself, the petition could have been dismissed. However, this Court has considered the proceeding on merits. As six transfers were made to Kinwat Tahsil, a tribal area, it cannot be said that these transfers were for balancing vacancies in other Tahsils. As per the policy, to fill all the vacancies from tribal area, the six transfers were made. However, remaining transfers were made for balancing vacancies.

78) One more surprising contention is made by the petitioners that in other districts State Government stayed the transfers and so, the transfers made in Nanded district need to be

stayed. There is nothing to compare the factual aspects and the reasons behind the staying of the transfers in other districts. Such matters involve factual aspects. Further, the procedure is laid down in aforesaid G.Rs. for raising the grievances. It is not the case of petitioners that they joined the new postings. For the reasons already given in other proceedings, the petition stands dismissed. Rule is discharged. Each of the petitioner need to pay cost of Rs.15,000/- to the Zilla Parishad.

GROUP XIV

WRIT PETITION NO. 7387 OF 2016

79) The petitioner is a Gramsevak and she is transferred from Panchayat Samiti Nanded to Panchayat Samiti Naigaon. It is her case that her husband is working as Gram Vikas Officer at Nanded and so, as per the couple convenience policy, she is entitled to get posting at Nanded. It is also her case that she was not due for transfer as she has completed only eight years of service. Her transfer is made for balancing the vacancies. In view of these circumstances, and for the reasons already given, this Court holds that it is not possible to interfere in the order. She did not join the new posting. In the result, the petition stands dismissed. Rule is discharged. The petitioner is to pay cost of Rs.15,000/- to the Zilla Parishad.

GROUP XV

WRIT PETITION NO. 7565 OF 2016

80) The petitioner wants transfer to Jamb (Bk.), Tahsil Mukhed, District Nanded from present posting at Herbal, Tahsil Kandhar on the ground of mutual transfer with one Rajaram More. She wants direction against respondents to decide the representation dated 29.4.2016 on the basis of G.R. dated 15.5.2014. It is her case that she is handicapped person. She has produced the disability certificate issued by the Sub-District Hospital Mukhed, Nanded. It shows that she has post traumatic sequel at left lower limb and due to that, there is disability to the extent of 45%. It is not Handicap Certificate issued by Civil Surgeon. For the purpose like present one, Handicapped Certificate is required to be produced. It appears that she had applied for getting Handicap Certificate before Civil Surgeon on 17.5.2016. Thus, she was not having Handicap Certificate in the month of April as already mentioned. Such certificate is required to be produced in the month of April itself. Further, the petitioner was not due for transfer. The petitioner had worked at three places like Ladga, Hipparga and Mukhed in Tahsil Mukhed and the petitioner wants to go to Tahsil Mukhed again.

81) As per the policy given in aforesaid G.R., the handicapped employees are exempted from transfer, but they need

to file application under that category and further, the procedure given for getting exemption or for getting request transfer needs to be followed. For that also, sequence of priority is fixed in the aforesaid G.R. As the petitioner had not produced certificate in time, the petitioner can make application along with certificate and this representation can be considered and decided by the Chief Executive Officer or the Divisional Commissioner. With that liberty, the petition is dismissed. Rule is discharged with no order as to costs.

WRIT PETITION NO. 6745 OF 2016

82) The petitioner is transferred from Bhokar, Tahsil Bhokar to Ambadi, Tahsil Kinwat, a tribal area. The petitioner is claiming cancellation of transfer on the ground of couple convenience. Her husband is working at the distance of 120 k.m. from her new posting as Zilla Parishad Teacher. She never worked in tribal area. She did not join the new posting. For the reasons already given, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs. 15,000/- to the Zilla Parishad.

WRIT PETITION NO. 6742 OF 2016

83) The petitioner is transferred from Mukhed Tahsil to Navi-Abadi, Tahsil Mahur, a tribal area. The petitioner is claiming cancellation of transfer on the ground of couple convenience and by contending that his wife is working at the distance of 120 k.m. from his new posting. He never worked in tribal area. He did not join the

new posting. For the reasons already given, the petition is dismissed. Rule is discharged. The petitioner is to pay cost of Rs.15,000/- to Zilla Parishad.

WRIT PETITION NO. 7567 OF 2017

84) The petitioner is transferred from Palaspur, Tahsil Himayatnagar to Pangari, Center Tamsa, Tahsil Hadgaon. It is the case of petitioner that choices given by petitioner for transfer were not considered and he was not present for counselling. The record shows that on the request of petitioner, the posting is made, but the petitioner is denying the same. There is copy of representation. Copy of application for transfer also shows that he wanted transfer at Mukhed, Loha or Kandhar. If the transfer was not for balancing vacancies in Hadgaon, his representation can be considered as there is mention in the record that present transfer was made on request. As he did not turn up for counselling, this Court holds that at present, no interference is possible, but he is entitled to make representation which can be considered if there is mistake committed of aforesaid nature. In the result, the petition is dismissed. Rule is discharged with no order as to costs.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/