

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8269 OF 2017

Dattatraya Lalji Chormale
Age: 42 years, Occu.: Service as
Assistant Teacher at Primary School,
Ghanewadi, Tq. & Dist. Jalna,
R/o Income-Tax Colony, Near A to Z School,
Old Jalna, Dist. Jalna.

..PETITIONER

VERSUS

1. State of Maharashtra
Through the Secretary,
Rural Development & Water
Conservation Department,
Mantralaya, Mumba – 32.

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

..RESPONDENTS

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Mr. S.D. Joshi, Advocate for petitioner.
Mr. M.B. Bharaswadkar, A.G.P. for respondent - State.
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**CORAM : ANOOP V. MOHTA &
SUNIL K. KOTWAL, JJ
DATED : 30th JUNE, 2017**

ORAL JUDGMENT (Per : ANOOP V. MOHTA, J.):

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

2. Heard learned Counsel for petitioner. Petitioner by this petition challenging the action of Respondent No.1 whereby as stated the claim of petitioner for inter-district transfer not considered and the case of junior employee for inter-district transfer has been considered. Petitioner though made representation, not taken note of and therefore submission is also made that petitioner's case is not covered by Writ Petition No. 6640 of 2017 (Maharashtra Rajya Shikshak Sena and Another Vs. State of Maharashtra and Others).

3. After considering the submission so made and so raised, the fact remains that petitioner is Assistant Teacher working in Zilla Parishad, Jalna. Based upon policy decision so declared by Government Resolution dated 27th February, 2017 and as amended from time to time, petitioner has also applied online for inter-district transfer. Respondent No.1 – State Government, in view of this based upon the policy decision so taken require to consider the individual case after considering the transfer policy and even observed that after receipt of transfer order, petitioner is entitled to agitate the issue by representation/appeal before the Divisional Commissioner who is also the authority who can deal with such issue of inter-district transfer. The authority is required to consider individual cases and if necessary by reconsidering the transfer order, if passed, but within the policy resolution.

4. Therefore, by keeping all points open, present petition is disposed of with liberty to approach to the Divisional Commissioner after the receipt of the transfer order. Petition is dismissed. Rule is discharged accordingly. No costs.

SSD (SUNIL K. KOTWAL, J.)

(ANOOP V. MOHTA, J.)