

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.9340 OF 2016

925 WRIT PETITION NO. 9340 OF 2016

SUREKHA BABAN MAHARNUR
VERSUS
THE STATE OF MAHARASHTR AND ANOTHER

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Advocate for Petitioner : Mr. Chapalgaonkar Shailesh S.
AGP for Respondent State:Mr. S.B.Joshi
Mr.Aghav Avinash D., Adv., for R/2.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: March 16, 2017

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PER COURT :-

1. The petitioner is objecting to the order of transfer dated 23rd May, 2016, directing her transfer in a tribal area. The objection is raised on the ground that her husband, who is an employee of a private aided institution, is posted at Sangamner, which is about 90 kms away from the place where the petitioner is posted.

2. The petitioner, relying upon paragraph no. 3(a) of the Annexure to the Government Resolution dated 15th May, 2014 stipulating transfer policy in respect of Zilla Parishad employees, contends that the husband and wife, as far as possible, shall be posted at the same place; and, if it is not possible to offer posting at the same place, they shall be placed at the places within a periphery of 30 kms.

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3. In the instant matter, the respondent employer has relied upon paragraph no. (2) sub-paragraph no. (6) of the annexure to the Resolution which lays down that an employee shall have to serve in tribal area at least for a period of three years during his, or her service tenure. It is contended that the petitioner has completed 17 years of service, however, was never posted in tribal area. In order to comply with the requirement laid down under paragraph no.2(6) of the policy prescribed by the State Government, the petitioner has been offered posting in the tribal area.

4. We do not find any infirmity or illegality in the order passed by the respondent directing transfer and posting of the petitioner in the tribal area. The petition is devoid of substance and hence the same stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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