

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

WRIT PETITION NO.9615 OF 2016

Sau.Lata W/o Trimbak
Waghmare ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.G.K.Muneshwar, advocate for the petitioner.
Mr.S.B.Yawalkar, A.G.P. for the State.
Mr.P.D.Suryawanshi, advocate for Respondent Nos.2
to 4.

...

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

Date : 10.04.2017.

PER COURT :

1. Heard.

2. Mr.Muneshwar, learned counsel for the
petitioner submits that petitioner on 7.7.2016
was transferred from Pimpri (Bk.) to Shirsala.

However, within fifteen days on 1.8.2016, the petitioner is again retransferred to Pimpri (Bk.). The same is illegal. The petitioner's husband is working as Police constable and if the petitioner is transferred at Pimpri (Bk.), the distance would be more than 85 Kms. As per the Government Resolution and on the basis of principle of couple convenience, the distance between the working place of the husband and the wife ought not to be more than 30 Kms.

3. Mr.Suryawanshi, learned counsel for the Zilla Parishad submits that the order of transfer was illegally passed. The petitioner was not due for transfer as petitioner had not completed five years continuous service at Pimpri (Bk.)

4. We have considered the submissions. In fact, by now the petitioner should have joined at transferred place i.e. at Pimpri (Bk.). We are not inclined to interfere with transfer order at this stage. However, after the petitioner joins at Pimpri (Bk.), the petitioner may make an

application to the Respondent Zilla Parishad for transfer on the ground of couple convenience giving all the details. The said application be made within two weeks. Upon receipt of the application, the Respondent - authority shall take decision upon the same on its own merits in accordance with law at the time of General transfer to be effectuated for the year 2017-18.

5. The Writ Petition is accordingly disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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