

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3563 OF 2017

Mr Sharif Shabbir Shaikh

...Petitioner

vs

Zilla Parishad Nashik & Ors.

...Respondents.

.....

Mr Anilkumar K. Patil for the Petitioner

Mr S.B.Kalel, AGP for Respondent Nos.2 to 3.

Ms Anamika Malhotra for Respondent No.1.

.....

**CORAM : SHANTANU S. KEMKAR &
 B.P.COLABAWALLA, JJ**

APRIL 11, 2017

P.C. :

Not on board. Upon mentioning taken on board.

2. By filing this Petition under Article 226 of the Constitution of India, the Petitioner challenges the order dated 31st May 2016 Exh “B” as also the order dated 7th March, 2017 Exh “A”, by which the petitioner has been transferred from village Mangarul, Taluka Chandwad, District Nashik to village Inambari, Taluka Peth, District Nashik, by the Chief Executive Officer, Zilla Parishad, Nashik and the relieving order respectively.

3 According to the petitioner, in the school which he is working, the large number of students got scholarship and as such, in

view of the Government Resolution dated 15th May, 2014, Exh “C”, he is entitled to be retained in the same school.

4. Having considered the submissions made by the learned counsel for parties, we find that the petition has got no merit. The transfer is an incident of service. In absence of there being any strong case of malafide, breach of statutory rules of the transfer order being passed by the incompetent person, the same cannot be interfered into by the Courts.

5 In the present case, the petitioner's contention based on policy dated 15th May, 2014 is also of no merit as the policy itself says that even if the scholarship is being awarded to the number of students mentioned in the policy the concerned teacher shall be retained firstly for one year and then maximum up to five years. Admittedly, the petitioner was posted at the present school in August 2013 and the impugned transfer order was passed on 31st May, 2016 i.e. after about three years. However the said order was stayed and by now the petitioner has completed almost four years.

6 As a result, we are not inclined to interfere into the impugned transfer order and the relieving order. The Petition is dismissed. There shall be no order as to costs.

(B. P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)