

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

WRIT PETITION NO. 7819 OF 2017

Sadhana Ashok Barkund ... Petitioner

V/s.

The Principal Secretary
Rural Development Department & ors. ... Respondents

Mr. S.A. Sawant for the petitioner.

Mr. Yuvraj Gharat holding for Mr. Vijay Killedar for respondents 3 and 5.

**CORAM : NARESH H. PATIL AND
Z.A. HAQ, JJ.**

22nd August, 2017.

P.C.

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. It is the petitioner's case that on 2nd May, 2017, the petitioner had submitted a Form pursuant to GR dated 24th April, 2017 thereby giving choice of inter district transfer from Zilla Parishad Solapur to Municipal Corporation, Pune. At present petitioner is serving at Zilla Parishad

Primary School, Dahigaon, Tal. Karmala, Dist. Solapur. Vide a communication made by the CEO, Zilla Parishad, Solapur dated 22nd July, 2016 addressed to Administrative Officer, Municipal Corporation Education Board, Pune it was informed that the petitioner be transferred to Pune Municipal Corporation Education Board. By communication dated 12th June, 2017, the Administrative officer, Municipal Corporation, Pune informed the petitioner that representation of the petitioner has been forwarded to Education Officer, Pune Municipal Corporation.

3. The grievance of the petitioner is that in a final list published by Zilla Parishad, Solapur on 5th July, 2017 the petitioner was shown to have been transferred from Village Dahigaon Tal. Karmala to Zilla Parishad, Pune. The petitioner stated that she did not opt for transfer to Pune Zilla Parishad.

4. Learned Counsel appearing for petitioner submits that request made by petitioner was for transferring her from Solapur Zilla Parishad to Pune Municipal Corporation. The respondents have misconstrued her request and transferred her to Pune Zilla Parishad.

5. Learned Counsel appearing for respondents submits that on her

own request she was transferred from Solapur Zilla Parishad to Pune Zilla Parishad and consequently another employee was transferred in her place.

6. It is submitted that petitioner is a widow and she has been discharging her duties as a Zilla Parishad employee, Solapur. Learned Counsel on instructions submits that it would be appropriate to continue petitioner at the same place i.e. at Village Dahigaon, Tal. Karmala, Dist. Solapur.

7. We have perused the record placed before us, considered the submissions advanced. In view of the request made by the petitioner and in the facts of the case, it would be appropriate that petitioner is allowed to continue to work at Zilla Parishad, Primary School, Dahigaon, Tal. Karmala, Dist. Solapur. The respondents would take necessary steps to correct the record and issue necessary directions in case any other employee was to join the post which is at present occupied by the petitioner at Village Dahigaon, Tal. Karmala, Dist. Solapur. In the result, we pass following order:

ORDER

(i) The writ petition is allowed.

(ii) The petitioner's transfer from Zilla Parishad, Solapur to Pune Zilla Parishad stands cancelled.

(iii) The petitioner is allowed to continue to serve at Zilla Parishad, Primary School, Dahigaon, Tal. Karmala, Dist. Solapur.

(iv) Rule is made absolute in the above terms.

(Z.A. HAQ, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.