

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION No. 4402/2017.**

Ku. Prabha Shivdulari Mishra, Yavatmal.

**-VERSUS-**

Yuvak Mandal, Pusad and others.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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**CORAM : B.P. DHARMADHIKARI &**  
**MRS. SWAPNA JOSHI, JJ.**

**DATE : OCTOBER 06, 2017.**

Heard Shri P.S. Patil, learned Counsel for the petitioner, Shri N. Rao, learned A.P.P. for respondent no. 4 and Shri M.R. Pillai, learned Counsel for respondent no.1.

2. Facts show that to accommodate respondent no.3, who has been rendered surplus in other school of management, management has shifted him to present school where petitioner has been working. Petitioner has been shifted from said school at Lohara to respondent no.5 at Dhanki. It is not in dispute that for petitioner, there is work load in respondent no.5 School.

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3. Only submission is, petitioner is nearing retirement, has got health problems and also her husband is totally dependent upon her. Contention is, therefore, with oblique motive, petitioner has been shifted.

4. After hearing the respective counsel, we find that it is declaration of respondent no.3 as excess which has prompted management to take this step. Declaration as surplus is not controlled by management. Hence, there is no question of any oblique motive or malafide exercise of powers.

5. Petitioner has not urged any other personal grudge or victimization. Transfer therefore appears to be in administrative exigencies. Hence, Writ Petition is rejected. No costs.

6. However, in view of the fact that status quo has been granted on 11.07.2017, salary of petitioner shall not be discontinued or disturbed in any way and her services shall be treated as continuous after she reports at the transferred place, within a period of three weeks from today.

**JUDGE**

**JUDGE**

Rgd.