

-1-

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

WRIT PETITION NO. 5018 OF 2018

**SHOBHA DHONDIRAM BHAKRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioner : Party-in-person
AGP for Respondents 1 to 4: Mrs.V.N.Patil Jadhav
Adv.Mr. Shelke Shivaji T. For R/5**

...

**CORAM : R.M.BORDE &
MANGESH S. PATIL,JJ.
DATE : 29/08/2018**

PER COURT :-

The affidavit in reply has been presented by respondent no.4 District Health Officer wherein it has been recorded that the transfer of the petitioner has been effected after conducting counseling of the employee. The petitioner has chosen on her own the place and accepted transfer in counseling process. The petitioner claims exemption from transfer on the ground of her marital status-unmarried. However, the Government Resolution dated 15/5/2014 does not provide for such exemption for unmarried category and the contention of the petitioner is not acceptable.

2] The petitioner presented a Writ Petition No.2061/2017

which came to be disposed of by this Court on 27/9/2017 by issuing directions to the State of Maharashtra to consider representation tendered by the petitioner on its own merits expeditiously. So far the Government has not taken decision on the representation. As regards transfer of the petitioner is concerned, it is contended that the Chief Executive Officer or District Health Officer shall not have authority or jurisdiction to cancel or modify the order of transfer and the competent authority to deal with such issue is the Divisional Commissioner who can take the decision on consideration of representation of the employee. The petitioner would be satisfied if she is posted at the proximate distance from Ahmednagar. It would be open for the petitioner to tender appropriate representation to the Divisional Commissioner for redressal of her grievance. If the petitioner tenders representation within a period of one week from today, the Divisional Commissioner shall take appropriate decision in the matter within a period of 3 weeks from the date of tendering of such representation. The Divisional Commissioner may consider request of the petitioner for providing her posting at a proximate distance from Ahmednagar, considering her marital status-unmarried.

3] With the directions as above, Writ Petition is disposed of.

(MANGESH S. PATIL,J.) (R.M.BORDE,J.)

umg/