

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

WRIT PETITION NO. 7438 OF 2017

Jairam Namaji Gangale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.

Mrs. Vaishali N. Jadhav-Patil, A.G.P. for the Respondent No. 1.

Shri E. P. Sawant, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 02ND APRIL, 2018.

FINAL ORDER :

. Mr. Panpatte, the learned counsel for the petitioner submits that, within a period of ten months, the petitioner is transferred. The petitioner from the year 1985 to 2004 worked in a naxelite and adivasi area. On 15.03.2004, the petitioner was transferred at Primary Health Centre Himayatnagar/Chinchordi. He worked there upto 22.06.2016. Thereafter, the petitioner was transferred to Zilla Parishad High School, Islapur. The petitioner joined at Zilla Parishad High School Islapur on 23.06.2016. Within a period of ten months, the petitioner is again now transferred at Mahur. The learned counsel submits that, said transfer is not in consonance with the Government

Resolution dated 15.05.2014, as the petitioner had worked in a naxelite area for long period of time, the petitioner was required to be posted at the place of his choice.

2. Mr. Sawant, the learned counsel for respondent Nos. 2 and 3 submits that, at Islapur, the petitioner became surplus and as per the request of the petitioner, the petitioner was initially posted at Chinchordi and then at Mahur.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. The case of the petitioner that within ten months he is transferred does not stand to any reason because where the petitioner was posted, at that place, the petitioner was rendered surplus. Therefore, choice of the petitioner was called for and as per choice of the petitioner, the petitioner was posted. The petitioner is now required to work at the place where he is transferred.

5. According to the learned counsel, no other person is appointed at the place of the petitioner and there are still vacant posts. The petitioner may make representation with the respondents, which the respondents would consider on its own merits at the time of general transfer of the year 2018.

6. One of the grievance of the petitioner is that, he is not paid salary since 15.05.2017. This Court on 07th June, 2017 had directed status quo to be maintained. Pursuant thereto the petitioner is working at Islapur. The learned counsel submits that, even certificate is issued by the Head Master showing that the petitioner is working at Chinchordi.

7. The respondents shall process the salary bills of the petitioner for the said period within a period of two (02) months from today, considering the fact that, there was an order of status quo passed by this Court.

8. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]