

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

WRIT PETITION NO. 7600 OF 2017

Madhuri d/o Vilas Shinde,
Age 36 years, Occu. Service,
R/o Chinchpada, Taluka Navapur,
District Nandurbar

..Petitioner

Versus

1. The State of Maharashtra
through its Secretary,
Rural Development Department,
Mantralaya, Mumbai 32
2. Divisional Commissioner,
Nashik Division, Nashik
3. Chief Executive Officer,
Zilla Parishad, Nandurbar

..Respondents

Mr A.N. Nagargoje, Advocate for petitioner
Mr P.S. Patil, A.G.P. for respondents no.1 and 2
Mrs V.S. Choudhari, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 18th January 2018

PER COURT

1. The petitioner is transferred from Chinchpada, Taluka Navapur to Kathi, Taluka Akkalkuwa. According to the petitioner, the husband of the petitioner is working at Zamtawad, which is at a distance of 30 Kms. from Chinchpada, where the petitioner was working. The petitioner having been transferred to Kathi, the distance of the place where the husband of the petitioner is working and the transferred place of the petitioner would be 110 Kms. The learned Counsel relies on the policy of couple convenience. It is further submitted by the learned Counsel for the petitioner that Chinchpada is also a tribal area. As such, there was no point in transferring the petitioner.

2. Learned Advocate for respondent no.3 submits that the policy is that the employee should work in tribal area. As such, the petitioner was transferred and the policy was also to fill in all the posts at Akkalkuwa.

3. On the last date, we had asked the learned Advocate for respondent no.3 to take instructions as to whether the post is vacant at Ashte, Taluka and District Nandurbar. The learned Advocate on instructions states that post is vacant at Ashte, Taluka and District Nandurbar.

4. It is stated that Ashte, Taluka and District Nandurbar is a notified tribal area. It is also stated that the son of the petitioner is mentally retarded.

5. Considering the above, the impugned order 28.5.2017 issued by respondent no.3 is quashed and set aside. Instead, the respondent no.3 shall issue transfer order to the petitioner transferring her to Ashte, Taluka and District Nandurbar within fifteen days from the receipt of this order.

6. Writ Petition stands disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)