

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

WRIT PETITION NO. 7831 OF 2017

Sangita Chintamani Koli

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. C. Yeramwar, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for the Respondent No. 1.

Shri S. B. Pulkundwar, Advocate for the Respondent No. 2.

Shri K. D. Mundhe, Advocate for the Respondent No. 3.

Shri Yogesh P. Deshmukh, Advocate for the Respondent No. 4.

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

DATE : 22ND FEBRUARY, 2018.

FINAL ORDER :

. The petitioner assails the order of transfer thereby transferring the petitioner to the respondent No. 3. The petitioner was initially working with the respondent No. 2. The transfer is effectuated on the ground that the petitioner and the respondent No. 4 had mutually agreed for the transfer in each others place.

2. According to the petitioner, before the transfer order could be issued, the petitioner on 17.12.2016 had given an application

withdrawing her consent for transfer. However, same was not considered at the time of grant of mutual transfer and the petitioner was transferred. The same is erroneous.

3. On the last occasion, we had asked the learned advocate for the respondent No. 2 as to whether vacancy is available with the respondent No. 2 without unsettling the respondent No. 4. Mr. Pulkundwar, the learned counsel for the respondent No. 2 on instructions states that, the vacancy is available at Nanded Zilla Parishad without unsettling the respondent No. 4.

4. Mr. Mundhe, the learned advocate for the respondent No. 3 submits that, the respondent No. 3 is ready to relieve the petitioner at the time of general transfers.

5. Considering the above, we pass following order.

6. The respondent No. 2 may accommodate the petitioner on the vacant post available with the respondent No. 2 without affecting the respondent No. 4. In that case, the respondent No. 3 would relieve the petitioner at the time of general transfers. With these observations the writ petition is disposed of. No costs.

7. The petitioner states that, the salary during the interregnum is not paid to the petitioner. The petitioner may file

application in that regard with the competent authority, which would be decided by the authority on its own merits.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 18