

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

WRIT PETITION NO. 12247 OF 2017

Sharad Ramrao Waghmare ... Petitioner

VERSUS

The Commissioner of Social Welfare & Ors. ... Respondents

.....
Mr Ajay S. Deshpande, Advocate for the petitioner
Mr S. G. Karlekar, AGP for respondent/State
Mr Sujeet Joshi, Advocate for respondent No. 3
.....

**WITH
WRIT PETITION NO. 12248 OF 2017**

Pravin Ramesh Solanke ... Petitioner

VERSUS

The Commissioner of Social Welfare, Pune & Ors. ... Respondents

.....
Mr Ajay S. Deshpande, Advocate for the petitioner
Mr S. G. Karlekar, AGP for respondent/State
Mr Sujeet Joshi, Advocate for respondent No. 3
.....

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

DATE : 21ST MARCH, 2018.

ORDER:

1. The present respondent No. 3 in both these matters had filed the Original Application before the Maharashtra Administrative

Tribunal challenging the orders of transfer. The Tribunal allowed the Original Application filed by respondent No. 3, thereby setting aside the order of transfers. This Court on 12.10.2017 passed the following order.

“01. Notice to respondents, returnable on 28th November, 2017.

02. Learned Asst. Government Pleader waives service of notice on behalf of respondent nos.01 and 02. Mr. S.D. Joshi, learned Counsel, waives service of notice on behalf of respondent no.03 (caveator).

03. It is informed that in hostels meant for girls' schools, male wardens are being appointed. The practice of appointing male wardens in a hostel meant for girl students is against the education policy and is also in violation of the relevant rules.

04. The respondents are directed to adhere to the policy of appointing female wardens for the hostels meant for girl students. If the orders are issued contrary to the policy of the State, those will have to be set aside. Respondent no.01 Commissioner of Social Welfare shall adhere to the policy and comply with the said principle of appointing female warden for the hostels meant for female students throughout the State. Effective steps in that respect shall be taken forthwith and compliance thereof shall be reported to this Court on the next date.”

2. The interim order passed by this Court on 12.10.2017 was implemented by the respondents to the extent of the petitioners and respondents herein.

3. Mr Joshi, the learned counsel for respondent No. 3 contended that, the Tribunal had considered that the transfer was a mid-term transfer and was before completion of the term of respondent No.3 and had rightly set aside the orders. The respondent authorities committed haste in implementing the order of the court and because of which the orders passed in favour of present respondent No. 3 were not implemented.

4. It is submitted by the learned counsel for the original writ petitioners that, after the interim orders were passed by this Court, the original petitioners have been posted as Wardens in the Girls Hostels under order dt. 08.02.2017. The respondent No. 3 in both these petitions are ladies and naturally they will have to be posted as Wardens at the Ladies Hostels. We had directed the learned Assistant Government Pleader to take instructions with regard to the vacant posts available for ladies Wardens in or about Aurangabad. The nearest vacant posts of the Wardens for the Girls Hostels, according to the learned Assistant Government Pleader, are at Jalna & Selu. It is further submitted that the Ladies Hostels at Waluj & Gangapur, Dist. Aurangabad, have been constructed and the same are being operated. However, it is submitted that the posts of Wardens at these places are not sanctioned and the proposal is pending with the Government and

other persons are given additional charge. It would not be possible to accede to the request of the learned counsel for respondent No. 3. The respondent No. 3 at these places cannot be posted as the posts are not yet sanctioned. The question of payment of salary and other consequences would arise.

3. Mr Joshi, the learned counsel for respondent No. 3, on instructions of respondent No. 3, submits that the respondent No. 3 would join at Jalna & Selu.

4. Considering the above, we pass the following order.

ORDER

(i) The orders of the posting given to the petitioners as per order dt. 08.02.2017, shall remain intact. The respondent No. 3 in both these petitions shall be posted at Jalna & Selu. The said posting order shall be given within seven days from today. Accordingly, respondent No. 3 in both the petitions shall join at these places.

(ii) It is further directed that, as and when the posts of Warden at the Ladies Hostels at Waluj & Gangapur would be

sanctioned by the Government, the respondent No. 3 shall be first considered for posting at these places at Waluj & Gangapur, Dist.Aurangabad. We hope and trust that the Government would take decision about sanction of the posts at these places expeditiously.

5. With these observations, the writ petitions are disposed of.
No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde