

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13228 OF 2017

Reshma Rangnath Garje

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri S. S. Thombre, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent No. 1.

Shri Umesh S. Mote, Advocate for Respondent Nos. 2 and 3.

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

DATE : **21st February, 2018**

PER COURT :

1. Mr. Thombre, learned counsel for petitioner submits that, the petitioner was initially working with Zilla Parishad, Sangli. The petitioner completed more than five years of her service with Zilla Parishad, Sangli. The petitioner filed application with the Zilla Parishad, Sangli for inter district transfer to Zilla Parishad, Beed. The Zilla Parishad, Sangli issued no objection to relieve the petitioner, if, the Zilla Parishad, Beed is ready to accommodate the services of the petitioner. According to the learned counsel, the Chief Executive Officer of Zilla

Parishad, Beed vide its order dated 19.05.2014 issued an order and gave posting to the petitioner at Panchayat Samiti, Patoda. According to the learned counsel, the Zilla Parishad, Sangli also relieved the petitioner to join at Zilla Parishad, Beed. As such the petitioner joined at Panchayat Samiti, Patoda and worked since April to August, 2015. Thereafter the respondent No. 2 issued impugned communication dated 15.9.2016, thereby directed the petitioner to join with at the parent district as there is no vacancy from N.T.-D category in the Zilla Parishad, Beed.

2. Mr. Mote, the learned counsel for the Zilla Parishad, Beed submits that, in fact there are excess teachers with Zilla Parishad, Beed from N.T.-D category, though in respect of other categories there are some posts vacant, the petitioner cannot be accommodated from N.T.-D category as there is no vacant post in the said category. According to the learned counsel, large scale illegalities were committed by the then Chief Executive Officer, Zilla Parishad, Beed against whom enquiry is also initiated. The said Chief Executive Officer has created the mess.

3. We have also heard the learned Assistant Government Pleader for the respondent No. 1.

4. The petitioner is already relieved from the post by

the Zilla Parishad, Sangli and it is placed on record some other person has joined at her post at Zilla Parishad, Sangli. The petitioner belong to N.T.-D category. According to the Zilla Parishad, Beed, there are excess teachers from N.T.-D category, though in respect of some other category, there are vacant posts which are not filled in for two to three years. May be because of some erroneous acts of the then C. E. O. an anomalous situation has occurred. The petitioner is not having employment with the Zilla Parishad, Sangli after having been relieved from her post, nor is in a position to work on the post on which she was given posting by Zilla Parishad, Beed. The Zilla Parishad, Beed will have to resolve the said situation either to adjust the post or to give posting at some other place in consultation with the State or other Zilla Parishads.

5. Considering that today also there are some excess persons working with Zilla Parishad, Beed from N.T.-D category and that some posts of other categories are vacant, said anomalous situation can be resolved temporarily by passing following order.

6. The impugned communication dated 15.9.2016 is hereby quashed and set aside. The respondent - Zilla Parishad, Beed shall allow the petitioner to work at the place where the petitioner may be given posting by Zilla Parishad, Beed. The

period from the date the petitioner is relieved by Zilla Parishad, Sangli till she join on her place as per order of Zilla Parishad, Beed shall be counted for continuity of service. At the time of next academic transfers, the respondent - Zilla Parishad, Beed shall endeavour to accommodate such persons like petitioner as may be possible. The order for posting shall be given to the petitioner expeditiously and preferably within a period of fifteen (15) days from today.

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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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