

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3428/2018

Bandhu Uddhavrao Khobragade Vs. Zilla Parishad, Gadchiroli.

WRIT PETITION NO. 3429/2018

Kirankumar Rohidas Shende Vs. Zilla Parishad, Gadchiroli.

WRIT PETITION NO. 3430/2018

Yeleshwar A.Komarewar Vs. Zilla Parishad, Gadchiroli

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri P.S.Kshirsagar, Advocate for petitioners in all petitions.
 Shri W.G.Paunikar, Advocate for respondent sole.

**CORAM : B.P.DHARMADHIKARI and
 S.M.MODAK, JJ.**

DATE : 15.10.2018

The petitioners have been transferred from tribal area to non tribal area about 11 months back/13 months back. By the impugned transfer orders, they have been asked to join back in tribal area.

2. Contention of Advocate Kshirsagar is, as per transfer policy those who have not completed more than three years of service in tribal area, cannot be considered for such post. If such teachers for transfer are not available, those who had completed more than 5 years after their transfer to non tribal area, can only be posted back.

3. Later he adds that in tribal area there are only two vacancies while in non tribal area there are twenty seven vacancies. He has invited our attention to a chart, which forms a part of the reply, where two of the

employees though transferred last year, have still not been relieved.

4. Advocate Paunikar submits that transfer is domain of the employer and here no malafides are shown. He submits that the names of teachers eligible for transfer to tribal area are also not brought on record.

5. During the arguments, we find that the petitioners have obeyed transfer orders and reported at tribal area. In this situation, considering the transfer policy, we are inclined to direct the employer to look into this controversy and to find out whether there are teachers who satisfy the norms for transfer to tribal area. If such teachers are available, the petitioners should be brought back to non tribal area.

6. The representation made by the petitioners is pending. We therefore, direct the employer to take suitable decision upon it within **three months**.

7. With these directions, petitions are disposed of. No costs.

JUDGE

JUDGE