

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

WRIT PETITION NO.1378 OF 2019

**DHANANJAY GANGADHARRAO POTDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. V.P.Latange, Advocate for the petitioner
Mr. K.N.Lokhande, AGP for the respondent/State
Mr. S.B. Pulkundwar, Advocate for respondent Nos.3 to 5.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 31.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. The petitioner is working as an Assistant Teacher in the Zilla Parishad Primary School at Ambdapur Centre Kavalgaon, Tq. Degloor, Dist. Nanded. The petitioner is transferred from Ambdapur to Zilla Parishad Primary School, Borgadi Tanda, Tq. Himayat Nagar, Dist. Nanded. By inviting our attention to the documents placed on record, the learned counsel for the petitioner submitted that wife of the petitioner is also working as Teacher and the wife of petitioner Smt.Pushpa Ramakant Chiwte is transferred to Khanapur Zilla Parishad School, Tq. Degloor, Dist. Nanded. Though the place wherein the wife of the petitioner is transferred is one of the choices given by the wife of the petitioner, the petitioner had not sought for transfer nor made any request for transfer. But in the random round of transfer, the petitioner is transferred from

Borgadi Tanda, Tq. Himayat Nagar, Dist. Nanded. The distance between these two places, namely, Khanapur and Borgadi Tanda is nearly 140 k.m. whereas the policy of the Government is to effect transfer orders as such places where the aspect of couple convenience can be made out.

3. Learned counsel for the petitioner then submitted that the petitioner submitted representations to the Block Education Officer Panchayat Samiti, Degloor on 29.05.2018 and the same is pending before the authority for considerable time without taking any decision. This was the grievance raised by the petitioner.

4. Learned Counsel appearing for the Zilla Parishad, Nanded submitted that, in view of the corrigendum issued to the Government Circular dated 27.02.2017 a forum is made available so as to consider the request for transfers, namely, the Divisional Commissioner. Learned counsel for the Zilla Parishad also invited our attention to order dated 23.01.2019 in Writ Petition No.998 of 2019 and Writ Petition No. 1010 of 2019. Learned counsel for the petitioner, in view of these facts submits that the petitioner would file necessary representation/application to the Divisional Commissioner i.e. respondent No.2 within one week from today.

5. If such an application is submitted to respondent No.2 Divisional Commissioner, the Divisional

Commissioner to take appropriate decision, needless to state on the merits of the representation as early as possible and not later than 12 weeks from the date of order of this Court.

6. With these above directions, the Writ Petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]