

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

**WRIT PETITION NO.998 OF 2019
SMITA HAWGIRAO MIRAJKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
WRIT PETITION NO.1010 OF 2019
MANISHA RAMPRASD HIMTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.B. Sontakke, Advocate for the petitioners.

Mr.S.S. Dande and Mrs.M.A. Deshpande, AGPs for respondent/State.

Mr.S.B. Punkundwear, Advocate for respondent Nos.3 and 4.

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

DATED : 23.01.2019

P.C. :-

1. Heard learned Counsel for the petitioners. Limited grievance is raised in the petitions. The petitioners are teachers. In view of the State policy, the petitioners submitted applications to the authorities, seeking transfer by referring to the place of their choices. Copies of the applications are placed on record at Exh."B". The facts are mentioned from Writ Petition No. 998 of 2019.

2. The petitioner was subjected to transfer by order dated 15.06.2018. The petitioner by said order is transferred from Zilla Parishad Primary School, Sindhi Tal. Umri to Zilla Parishad School, Wai (Bk), Tal. Mahoor. The petitioner immediately submitted representation to the Chief Executive Officer requesting the Chief Executive Officer for considering the place of transfer on account of couple convenience. It is stated in the representation that the husband of the petitioner is also a teacher working in Zilla Parishad School at Sindhi Tq. Umri, Dist. Nanded. The petitioner submits that distance between the two places, namely, Wai (Bk), Tal. Mahoor and Sindhi is 134 kms and the Government policy prescribes couple convenience transfer in the radius of 30 kms. The petitioner also submitted representation to the Divisional Commissioner on 21.06.2018 and a representation to the Chief Executive Officer, Zilla Parishad, Nanded dated 15.06.2018. The copies of representations are placed on record at Exhs.

"E" and "F" respectively. Our attention was also invited to Government circular dated 15.04.2017, thereby corrigendum was effected and under clause-6 of the said corrigendum, the Divisional Commissioner is the competent authority to take into consideration the grievances in respect of the transfers. The Divisional Commissioner on receiving such complaint, may conduct enquiry and to take decision within 30 days. It is also stated that the decision of the Divisional Commissioner shall be final.

3. In view of these facts, the petitions are disposed of at admission stage with directions to respondent No.2 Divisional Commissioner, Aurangabad to decide the representations of the petitioners as expeditiously as possible and not later than 12 weeks from the date of this order.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]