

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

WRIT PETITION NO.964 OF 2019

**ARCHANA SHRIRAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mrs.M.D. Thube-Mhase, Advocate for the petitioner.
Mr.S.S. Dande, AGP for respondent/State.

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

DATED : 23.01.2019

P.C. :-

1. Heard learned Counsel for the petitioner. In view of the submissions, which we would refer to and in view of documents placed on record, we are of the opinion that the petition itself can be disposed of at the stage of admission with directions.

2. It was submitted by the learned Counsel that the petitioner by inviting our attention to the documents placed on record at Exh."A" that the petitioner was appointed at Primary Health Center, Nandur on 16.06.2010. The petitioner joined services on 21.06.2010 and was

subjected to transfer by order dated 24.05.2018. The petitioner is transferred from the Primary Health Center, Nandur to Primary Health Center, Vihamandwa on administrative exigencies. Learned Counsel for the petitioner then invited our attention to the representation to the authorities and more particularly to the Chief Executive Officer of Zilla Parishad, Aurangabad i.e. respondent No.3. It is submitted in the representation that the wards of the petitioner are minor and are studying in primary class, namely, standards 1st to 4th respectively. It is also submitted that husband of the petitioner is also working in the Maharashtra Industrial Development Corporation and recently he has been transferred to Aurangabad. It is then submitted that in view of the Government Policy, popularly known as policy of couple convenience, if the petitioner is retained at Ganori, she would be in a position to attend her minor children. Learned Counsel submitted that as per her instructions, by way of office note hurdle was raised by the subordinate officers that the policy of the

Government would not be applicable in case of the petitioner. The learned Counsel then submitted that the petitioner again submitted detailed representation to respondent No.3 – Chief Executive Officer, Zilla Parishad, Aurangabad and it is brought to the notice of the authority that the Chief Executive Officer, Zilla Parishad, by exercising these powers may take appropriate decision on the request application of the petitioner and the mid-term transfer may not be hurdle in case of the petitioner. Learned Counsel submits that the petitioner is desirous of early decision on the representation and the delay would cause certain prejudice to the petitioner.

3. Considering this limited grievance, the petition is disposed of with directions to respondent No.3- Chief Executive Officer, Zilla Parishad, Aurangabad to decide the representation in consultation with the Divisional Commissioner, Aurangabad, submitted by the petitioner on 20.12.2018 on the backdrop of the Government Policy,

needless to state, on the merit of the representation and considering the grounds raised by the petitioner in the representation. This exercise be undertaken as expeditiously as possible and not later than eight weeks from the date of the order of this Court.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]