

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

WRIT PETITION NO. 1855 OF 2019

Suresh Shankar Gaikwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri J. M. Murkute, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 3.

Shri Ajinkya Reddy, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 30TH JULY, 2019.

FINAL ORDER :

. Mr. Murkute, the learned advocate for the petitioner submits that, the petitioner is working as an Extension Officer (Statistic). On 01.05.2015 he was appointed as President of Vistar Adhikari Sankhiki Sangathna. Under order dated 18.06.2018, the petitioner is transferred from Panchayat Samiti, Osmanabad to Panchayat Samiti Washi. In fact, the petitioner is shown at Sr. No. 2 in the list of non transferable candidates by the Zilla Parishad as the petitioner is President of sangathna. According to the learned counsel the petitioner being President of the association could not have been transferred prior to lapse of fifteen years. The Divisional Commissioner did not hear the

appeal filed by the petitioner. The learned counsel submits that, the petitioner is not in Government service, as such provisions of Rule 29 of the Maharashtra Civil Services (Conduct) Rules, 1950 are not applicable. The petitioner would be governed by the Government Resolution dated 15.05.2014.

2. Mr. Reddy, the learned advocate for the Zilla Parishad, submits that, provision of 15 years is enabling provision, it does not mandate that for fifteen years the petitioner cannot be transferred. The petitioner is transferred considering official exigencies. The association of which the petitioner claims to be President is not recognized association. The petitioner was at Panchayat Samiti Osmanabad for more than 10 years.

3. The learned Assistant Government Pleader also supports the submission of the learned advocate for the Zilla Parishad.

4. It appears that, on the day when the petitioner was transferred, he had completed 10 years and 11 months service at Panchayat Samiti, Osmanabad. He was due for transfer.

5. The Government Resolution dated 15.05.2014 relied by the petitioner also requires that to claim the benefit of 15 years at one place, the association of which a person claims to be President, Secretary, Treasurer has to be recognized. There is

nothing on record to show that the association of which the petitioner claims to be President is a recognized association. In absence thereof the contention of the petitioner certainly cannot be considered.

6. Considering the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb / July 19