

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

78 WRIT PETITION NO.3791 OF 2016

VINOD MAHADEO KALE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Suresh M. Kulkarni, Advocate for the
Petitioner.

Mr. P. V. Diggikar, AGP for Respondents-State.

Mr. Vitthal M. Chate, Advocate for Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 26th FEBRUARY, 2019.

PER COURT:-

1. The petitioner seeks directions against the respondent to investigate affairs of respondent no.3 in effecting inter district transfer, so also challenges the order dated 02.05.2015.

2. Mr. Kulkarni, learned counsel for the petitioner submits that the petitioner had applied for transfer from Satara Zilla Parishad to Beed Zilla Parishad. The said request was not considered, as such the petitioner filed writ petition bearing no.9530/2014. In the writ petition the Beed Zilla Parishad did not appear and the order was passed on 06.04.2015 directing them to take decision on the proposal of the petitioner

dated 16.04.2012 on or before 05.05.2015. The same was also not considered. The persons who had applied belatedly in the year 2013 and 2014 have been given accommodation of their choice. The petitioner's proposal of the year 2012 was kept pending and was not decided. No reasons are given even in the affidavit filed by the respondent.

3. The learned counsel for the respondent submits that at the relevant time irregularities were committed by the officers of the respondent no.3 and the appropriate action has been taken against the officers by the respondent no.1. There are already surplus teachers with Zilla Parishad Beed and vacancy does not exist to accommodate the petitioner. The transfers are governed as per the Government Resolution dated 24.4.2017.

4. The inter district transfers are now governed by the Government Resolution dated 24.04.2017 and the said Government Resolution was also been upheld by this Court.

5. It appears that the large scale illegalities were committed while effectuating transfers by respondent no.3-Beed Zilla Parishad. On affidavit it is stated that action is taken against the erring officers of the respondent no.3.

6. As now the transfers would be governed by the Government Resolution dated 24.04.2017, the

proposal of the petitioner for transfer shall be considered in accordance with Government Resolution dated 24.04.2017 on its own merits and decision shall be taken upon it prior to the general transfers to be effectuated in the year 2019. The petitioner may within a period of two weeks from today make an application, which is required to be considered by the respondents during the ensuing general transfers to be effectuated in the year 2019.

7. Writ Petition accordingly stands disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE