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

WRIT PETITION NO.2955 OF 2019

Jagannath s/o Sadashiv Bhor,
Age: 55 years, Occ: Service,
R/o. Zilla Parishad Quarters,
Ahmednagar ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Chief Secretary,
Mantralaya, Mumbai-32
2. The Principal Secretary,
Rural Development Department,
Mantralaya, Bandakam Bhavan,
25, Marzban Road, Mumbai-01
3. The Chief Electoral Officer,
Maharashtra State,
General Administration Department,
Mantralaya Extension, Mumbai-32
4. The Divisional Commissioner,
Nashik Division, Nashik,
5. The Collector,
Ahmednagar ..RESPONDENTS

Mr S.T. Shelke, Advocate h/f Mr Shriniwas S. Wagh,
Advocate for petitioner;
Mr A.R. Kale, A.G.P. for respondents/State

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

DATE : 1st MARCH, 2019

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ORAL ORDER :

Heard learned Counsel appearing on behalf of the petitioner.

2. Considering the submissions of learned Counsel for the learned Counsel for the petitioner and on perusal of the documents placed on record, we are of the opinion that without going into detail contentions raised in the petition, the petition can be disposed of by issuing directions to the respondents - authorities, more particularly, respondent No.2.

3. The petitioner is in the employment of State Government, working as Additional Chief Executive Officer, Zilla Parishad, Ahmednagar since 10th May, 2018. Our attention was invited to the circular issued through Election Commissioner of India dated 16th January, 2019 and more particularly, clauses - 2, 3 and 6 of the circular, which deal with the aspect of transfer/posting of the officers who are

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directly connected with the conduct of the elections. Then our attention is invited to the circular issued through the Chief Election Officer of the State dated 18th January, 2019, copies of which are placed on record at Exhibits-B and C respectively.

4. The State Government through the Desk Officer communicated to the Divisional Commissioner to forward the proposals in respect of transfers of the officers who have completed three years out of their service tenure preceding four years in their home districts or in the same districts or have completed three years prior to 31st May, 2019. This proposal was to be submitted in the proforma before 208th February, 2019. The report was submitted to the Secretary i.e. respondent No.2. Some of the officers who are working in the Zilla Parishad as Deputy Chief Executive Officers of Block Development Officers as the case may be in Kolhapur Division. A request is made in the representation not to effect the proceedings of

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these officers who are not participating in any direct work of of conduct of election. It is also stated in the representation that earlier the State prevented transfer of such officers. It seems that on an apprehension that the officers similarly situated with the petitioner would be transferred, this representation is submitted.

5. A similar representation is submitted to the Divisional Commissioner, Nashik Division, Nashik by the employees of the Zilla Parishad working in Nashik Division. The petitioner is one of the signatory to the representation and name of the petitioner finds place at Serial No. 21. Now, both these representations are pending before respective authorities, namely, respondent No. 2 - Principal Secretary and respondent No. 4 - Divisional Commissioner, Nashik Division.

6. At this stage, we are not inclined to assess the merit of the representations on the ground, such as, whether the policy is applicable to these

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employees, whether there is any infringement of right, whether a right itself accrues in favour of petitioner itself and leaving this assessment open for consideration to the respective authorities.

7. We dispose of the petition, with directions to respondent Nos. 2 and 4 to decide the representations submitted to them on 1st February, 2019 and 20th February, 2019 respectively, as expeditiously as possible and not later than three weeks from the date of this order, if already not decided by these authorities.

8. With these directions, the petition is disposed of accordingly.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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