

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

WRIT PETITION NO. 4996 OF 2018

Smt. Usha Sunil Kalbhor ...Petitioner

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. N.B. Suryawanshi, Advocate holding for
Mr. D.G. Nagode, Advocate for Petitioner
Mrs. G.L. Deshpande, Assistant Government Pleader for
Respondent No. 1
Mr. V.P. Patil, Advocate for Respondent Nos. 2 and 3

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

DATE: 7th JANUARY, 2019

PER COURT

1. Mr. Suryawanshi, the learned Counsel for the petitioner submits that in five years, the petitioner has been transferred five times and thrice on administrative grounds. The learned Counsel submits that same is contrary to the Government Resolution issued by the Zilla Parishad in that regard. In one Taluka, the employee is required to be retained for five years. The learned Counsel submits that the transfer of the petitioner under order dated 23.05.2016

is arbitrary and illegal. The learned Counsel further submits that one post would become vacant on 31st January, 2019 at Takli Kazi, Taluka Ahmednagar.

2. Mr. Patil, the learned Counsel for the respondent submits that every time, the request of the petitioner is considered and the order of transfer was cancelled. According to the learned Counsel, transfer is on administrative ground.

3. The petitioner was transferred on 29.05.2013 from Primary Health Centre, Ahmednagar to Primary Health Centre, Tisgaon, Taluka Pathardi on administrative ground, but immediately within four months on the request of the petitioner, the petitioner is transferred back in Ahmednagar Taluka. Thereafter, on 23.05.2016, the petitioner was transferred to Kasti, Taluka Shrigonda on administrative ground, but again, within five months on 17.10.2016, on the request of the petitioner, the petitioner was again transferred to Ahmednagar Taluka. Petitioner in fact, has completed five years in Ahmednagar Taluka. As such, can be transferred as per the Government Resolution relied by the petitioner.

4. We do not find any mala fides in the order of transfers. In view of that, we are not inclined to entertain the writ petition. The writ petition is accordingly disposed of. No costs.

5. If any post would become vacant as contended by the petitioner, she may forward representation to the respondent/Zilla Parishad, which would be considered on its own merits by the respondent on or before 31st January, 2019.

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

mta