

2. The learned counsel for the petitioners in this petition submits that, the petitioners have applied for transfer on the ground of couple convenience and they have been issued with the transfer orders beyond the periphery of 30 K.M. thereby negating very policy as enshrined under the Government Resolution dated 27.02.2017. According to petitioners they are transferred at the distance of 43 K.M. and the cases for couple convenience has not been considered.

3. Learned AGP for the respondents/State and the learned counsel for Zilla Parishad submit that endeavour is made to transfer them within the periphery of 30 K.M. of the place of work of their spouse. In some cases, if the transfers could not be effectuated within the periphery of 30K.M., they have been accommodated at the nearest place of work of their spouse.

4. As now one year has almost lapsed the transfers are effectuated and the petitioners have joined at transferred places. There are rival contentions, it would not be possible to evaluate each and every application given by the petitioners seeking transfer, so also considering rival contentions.

5. The Government Resolution dated 27.02.2017 contemplates transfer on the ground of couple convenience on the terms set out in the G. R. It further contemplates transfer within 30 K.M. of the place of work of their spouse. We may observe that, the condition of 30 K.M. cannot be construed by mathematical precision. For illustration, if the person is accommodated at distance of 34/35 K.M. of the place of work of his spouse considering availability of vacancy, it cannot be said that G. R. dated 27.02.2017 is violated. However, said condition has to be observed in its letter and spirit. Endeavour is required to be made to place the persons eligible for transfer on the ground of couple convenience within the distance of approximately 30 K.M from the place of work of their spouse. Of course, the same would also depend upon the availability of vacancies.

6. Considering the above, we pass following order.

7. The petitioners who have applied for transfer on the ground of couple convenience for the academic year 2018-2019 and those who could not be accommodated within the distance of 30 K.M. of the place of working of the respective spouse, the respondents shall consider their cases of accommodating them within the distance of 30 K.M. or nearby distance to the place of working of their spouse, keeping in mind parameters laid down in Government Resolution dated 27th February, 2017 and availability of vacancies. While taking up this exercise, efforts should be taken to see that, those persons who are legitimately working at their allotted place are also not disturbed.

8. In view of the above, writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

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