

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
68 WRIT PETITION NO.8259 OF 2018**

BAJIRAO GHANSHAM CHAURE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Shrimant R. Kedar, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

Mr. U. B. Bondar, Advocate for Respondent Nos.2 and 3.

Mr. Avinash D. Aghav, Advocate for Respondent No.4.

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

DATED : 21st AUGUST, 2019.

PER COURT:-

1. Mr. Kedar, learned counsel for the petitioner submits that the respondents be directed to grant continuity of service to the petitioner from 07.06.2017 to 08.11.2017. The transfer order was issued on 18.05.2017 in favour of the petitioner by Chief Executive Officer, Zilla Parishad, Beed. He was relieved on 06.06.2017. He reported to the Education Officer (Primary), Zilla Parishad, Beed on 07.06.2017. The petitioner was not allowed to join. Therefore, the petitioner was constrained to file writ petition no. 9364/2017.

2. Mr. Bondar, learned counsel for Zilla Parishad, Beed submits that letter was given on

01.06.2017 to Zilla Parishad, Jalna not to relieve the petitioner, however, still the Zilla Parishad Jalna relieved the petitioner. The petitioner was not on duty till 09.11.2017, as such for the period 07.06.2017 to 08.11.2017 the petitioner was not under service of the Zila Parishad, Beed.

3. We have also heard Mr. Aghav, learned counsel Zilla Parishad, Jalna.

4. It is not disputed that the Zilla Parishad, Jalna relieved the petitioner on 06.06.2017 and the petitioner reported for joining at Zilla Parishad, Beed on 07.06.2017. It was not fault of the petitioner in not reporting to the duty. The petitioner had diligently reported to the duty. It was because of administrative reason the petitioner was not allowed to join at Zilla Parishad, Beed.

5. In the light of above, we direct that the petitioner's service shall be considered as continuous and there would be no break in service from 07.06.2017 to 08.11.2017.

6. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE