

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12005 OF 2018

ASHOK SUKDEV KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shinde Balaji S.
AGP for Respondents No. 1 & 2 : Mr. S. G. Karlekar
Advocate for Respondent No. 3 : Mr. S. B. Munde
Advocate for Respondent No. 5 : Mr. A. J. Patil

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

DATE: 28th FEBRUARY, 2019

PER COURT :

1. Heard.

2. It is submitted by the learned counsel for the petitioner that respondent no. 5 had submitted incorrect information while seeking approval on the ground of couple convenience. The distance between the place where the respondent no. 5 was working and the place of work of wife of respondent no. 5 is mentioned as 34 Kms. by respondent no. 5, however, that distance is only

29 Kms. The benefit of transfer on ground of couple convenience is available only if the distance is more than 30 Kms. Respondent no. 5 has wrongly represented about said fact and because of that on the place of petitioner, respondent no. 5 is transferred and the petitioner is displaced from that place and transferred again at a distance of 19 Kms. to Gond-Khed, Taluka – Jamner, District – Jalgaon.

3. The learned counsel for the Education Officer and Zilla Parishad submits that the report has been submitted wherein the distance of more than 30 Kms. between of the school where respondent no. 5 was working and the place of work of the wife.

4. The learned counsel for respondent no. 5 submits that the distance is rightly mentioned by respondent no. 5 of 34 Kms. The certificate issued by the Maharashtra State Road Transport Corporation is also annexed.

5. The petitioner has relied on the certificate

issued by the Public Works Department showing that distance between the place of work of respondent no. 5 and his wife as 29 Kms., whereas respondent no. 5 has produced certificate issued by the Maharashtra State Road Transport Corporation showing the said distance would be 34 Kms. Of course, the Commissioner ought to have considered in detail all these aspects. Without considering the same the Commissioner has taken decision upon it.

6. However, as there are contrary documents produced by both the parties it is for the authorities to make an enquiry in the same during general transfers in the year - 2019. The said aspect can be considered by respondents no. 3 and 4 on its own merits.

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

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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