

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.16221 OF 2018

Sanjay s/o Waman Shewale

.. Petitioner

Vs

The State of Maharashtra through
its Secretary and Ors.

.. Respondents

Ms.Madhavi Ayyappan for Talekar and
Associates for the Petitioner.

Mr.S.B.Kalel, AGP for the Respondent-
State.

Ms.S.J. Pawar I/b S.B.Deore for
Respondent No.1.

CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.

DATE :- MARCH 4, 2019

P.C. :-

1. Heard both sides.
2. By the order under challenge, the petitioner has been transferred from the Zilla Parishad Primary School, Shriram Wadi to Zilla Parishad Primary School at Zadi in same Taluka Malegaon and under the Zilla Parishad Nashik.

3. The only grievance is that the petitioner was earlier posted at the school in Shriram Wadi (Manjare) because he says that his wife is also serving as a Zilla Parishad primary teacher, but in a school at Village Chandwad. The petitioner relied upon the policy of couple convenience. There was another couple who also availed the benefit of the similar policy and the complaint is that this resulted in displacement of the petitioner and at a far off distance from the wife's place of work. Therefore the couple convenience policy was not extended to the petitioner is the complaint.

4. We do not comment upon the conduct of the petitioner or on the wisdom of the policy, but if indeed there is a policy which looks into the convenience of the couple and possibly to preserve and carry forward the institution of family so that the children or the progeny do not suffer adverse consequence, then, the petitioner should get the benefit of this policy together with his wife. If their case is genuine, then, either the petitioner should be posted at a place where his wife is working or near about or if that is not possible, wife should be brought in the school where the petitioner is working if there is any vacancy or in the nearby school having such a vacancy.

5. In the light of the above and Mr.Kalel stating that the case of the petitioner will be considered in accordance with the policy, we dispose of the writ petition. We direct that in the event in the current year, such a policy is in force and invoked, then, in academic year 2019-20, the grievance of the petitioner be redressed in accordance with law.

6. The writ petition is disposed of by not examining the challenge in this writ petition, but only on the ground that now we are at the fag end of the academic session 2018-2019.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)