

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

84 WRIT PETITION NO.8179 OF 2019

SUREKHA PANDIT JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr Shinde Balaji S.
AGP for Respondents State: Mrs. R P Gour
Advocate for Respondents 3 & 4: Mr Nirmal Ramchandra J.

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 24th February, 2020

ORDER:

1. We have heard Mr. Shinde, learned counsel for the petitioner and Mr. Nirmal learned counsel for respondent Nos.3 and 4.
2. The petitioner was working with Zilla Parishad, Nandurbar. On 11.05.2018 the petitioner was transferred to Zilla Parishad, Beed and was allotted school at Raheri Tq. Georai. On 12.06.2018, transfer was cancelled. The petitioner challenged the same by filing writ petition No. 10986/2018. This Court, under order dated 17.12.2018, directed the Zilla Parishad, Beed to accommodate the petitioner in the school within its jurisdiction, more particularly at Raheri.
3. The petitioner joined at Raheri on 23.01.2019 and gave application for maternity leave. The application of the petitioner for sanction of maternity leave is rejected solely on the ground that the petitioner was not under the establishment of Zilla Parishad Beed.
4. Considering the order passed by this Court in Writ Petition no. 10986/2018 directing Zilla Parishad, Beed to accommodate the petitioner

in their school at Rahieri Tq. Georai, it may not be said that the petitioner was not on the establishment of Zilla Parishad, Beed.

5. In light of that, the impugned order is quashed and set aside.

6. The Zilla Parishad, Beed shall consider the application of the petitioner for maternity leave on its own merits and shall not reject it on the ground that the petitioner was not on the establishment of Zilla Parishad, Beed. Decision shall be taken within three months.

7. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC