

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 WRIT PETITION NO.6092 OF 2020

**SAVITA SAYANNA MUTTEPOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr O. B. Boinwad, Advocate for petitioner;
Mr S. B. Yawalkar, A.G.P. for respondent Nos.1, 2 & 5;
Mr S. B. Rajebhosal, Advocate for respondent No.3
Mr K. B. Jadhavar, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 2nd August, 2021

PER COURT:

1. We have considered the submissions of the learned Counsel for the respective sides. The short issue raised in this petition is evident from prayer clause (B), which reads as under :-

“B) By issuing appropriate writ, order or direction in like nature the as per the report prepared by Respondent No. 2 dated 11.08.2020, the Respondent No. 3-C.E.O., Pune, may kindly be directed to relieve the petitioner on transfer to Respondent No. 4 – Z. P. Beed and Respondent No. 4 may kindly be directed to allow the petitioner to join its office without insisting for Tribe Validity Certificate.”

(2)

2. We are informed that the petitioner joined duties in 2009 and tendered her claim for validation in 2012. As the respondent No.5 – Committee cancelled her tribe certificate on the ground of nomenclature of the tribe, the petitioner tendered the corrected tribe certificate and forwarded her claim for validation in 2017. On 22/02/2018, the services of the petitioner have been regularized w.e.f. 24/12/2011. There is no dispute that, under the husband and wife couple arrangement scheme, the petitioner has been transferred from Pune as an under-graduate teacher to the Beed Zilla Parishad. She has not been relieved from Pune on account of her failure to submit Tribe Validation Certificate, and therefore, unable to join at Beed.

3. In view of the above, since it is not in the hands of the petitioner as regards the validation of her claim within a particular time frame, we deem it appropriate to direct respondent No.5 – Committee, to decide the tribe claim of the petitioner, as expeditiously as possible and in any case, on or before 31st March, 2022. The petitioner shall wholeheartedly co-operate in the process of considering her tribe validation. In the event the petitioner causes any delay in the proceedings, respondent No.5 – Committee would be at liberty to approach this Court for seeking directions by filing a civil application.

(3)

4. Since failure on the part of the petitioner in tendering her tribe validity certificate cannot be an impediment for her being relieved from Pune so as to join at Beed, the learned Counsel representing respondent No.3 submits that this Court may pass an appropriate order.

5. Consequently, taking into account the list of teachers coming to district Beed placed on record which indicates that the Beed Zilla Parishad has accorded its consent without which such transfer for couple arrangement cannot be made, this petition is allowed.

6. Respondent No.3 shall relieve the petitioner forthwith. Respondent No.4 shall accommodate the petitioner in view of the list of teachers coming to district Beed, dated 11/08/2020, placed on record at page No.20 of the petition paper book.

7. Needless to state, the continuation of the petitioner in service would be dependent upon the fate of her tribe claim, which is pending validation.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)