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

WRIT PETITION NO.6032 OF 2022

ASHWINI SOMNATH YEDE  
VERSUS  
STATE OF MAHARASHTRA THROUGH SECRETARY AND  
OTHERS

....

Mr Balaji S. Shinde, Advocate for petitioner;  
Mr S. P. Tiwari, A.G.P. for respondents/State  
Mr A. D. Aghav, Advocate for respondent Nos.3 & 4

**CORAM : RAVINDRA V. GHUGE  
AND  
ANIL L. PANSARE, JJ.**

**DATE : 20th July, 2022**

**PER COURT:**

1. The petitioner prays that prayer clause (C), which reads as under, may be considered :-

*“C] By issuing appropriate writ, order or directions, in the like nature, the respondent no. 3 & 4 may kindly be directed to consider and decide the claim/representation of the petitioner requesting to give posting the petitioner in school in plain area.”*

2. The learned Advocate representing the Zilla Parishad submits, that as the petitioner has tendered an application on-line, if such application is within the framework of law, the same would be considered, strictly as per law.

3. The grievance of the petitioner is, that she has completed almost 2 years 11 months and 30 days, to be exact. There is a shortfall of only one day for completing three years of her tenure in the difficult area and therefore, her application for transfer to a plain area may be held to be premature due to shortfall of one day.

4. The petitioner has also pointed out certain serious aspects in her representation at page Nos.34 and 35 of the petition paper book, wherein she has made serious allegations against the Headmaster, which involve sexual harassment and causing mental agonies. Disciplinary action has been initiated against the headmaster and a crime has already been registered.

5. The petitioner is a married person and has completed three years of her working in a difficult area, except for the shortfall of one day. We deem it appropriate to exercise our discretion in her favour.

6. This petition is, therefore, disposed off, with a direction to the Chief Executive Officer, Zilla Parishad, to consider the case of the petitioner favourably for a transfer to a plain area, in the peculiar and unusual facts and circumstances of the case. Such

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consideration of her claim for transfer shall be in the general transfers for the year 2022-2023, which is going on today.

**(ANIL L. PANSARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk