

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8747 OF 2022

SUDHAKAR KISAN ADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri Khedkar Avinash S.
AGP for Respondent 1/State : Shri S.G. Sangle
Advocate for Respondents 2 and 3 : Shri V.M. Vibhute
...

CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 26th August, 2022

Per Court :-

1. The petitioner has put forth prayer clauses A and B
as under :-

- “A. *By issuing a writ of mandamus or any other appropriate writ, order or direction as the case may be, the Chief Executive Office, Zilha Parishad Ahmednagar may please be directed to hear and decide the representation dated 06.07.2022 forwarded by the petitioner for seeking transfer under the guidelines of the GR dated 07.04.2021.*
- B. *To quash and set aside the impugned order dated 02.12.2019 issued by the Respondent No.3, Education Officer (Primary), Zilha Parishad, Ahmednagar.”*

2. The learned advocate for the petitioner, on the one hand, candidly states that the petitioner should not have approached the Education Officer for seeking indulgence in his request for inter-district transfer. He addressed the Education Officer in writing as well as orally and solicited an order, which is adverse to him and which is impugned in this petition. On the other hand, he relies upon the Government Resolution dated 07.04.2021 and more particularly clause 5.10.1 which indicates that, as far as any hearing or dispute with regard to the online transfer policy/applications is concerned, the Chief Executive Officer of the Zilla Parishad can consider such applications/representations. He submits that in the light of this Government Resolution, which was not known to the petitioner, the impugned order is unsustainable.

3. The learned advocate representing the respondent/ Zilla Parishad submits, on instructions, that the Chief Executive Officer would consider the representation of the petitioner, which is tendered on 06.07.2022 (annexed at page 42 of the petition).

4. In view of the above, this Writ Petition is partly allowed in terms of prayer clause B, reproduced above. Respondent No.2 shall consider the representation of the

petitioner dated 06.07.2022 as expeditiously as possible and in any case, on or before 30.09.2022.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)