

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

902 WRIT PETITION NO.10736 OF 2021

**PRAMOD AANANDRAO PUNWATKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Bolkar Yogesh B.
AGP for Respondents : Mrs. M.A. Deshpande
Advocate for Respondent No.5 : Mr. M.S. Sonawane

...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 02nd MARCH, 2022

PER COURT:-

1. The petitioner has put-forth several prayers out of which, prayer clause (A) and (B) are relevant, reproduced as under:-

“A) By way of appropriate writ order or direction in the like nature, the Hon’ble High Court may kindly quash and set aside the impugned transfer order dated 30/08/2021 issued by the State Project Coordinator and Joint Director (Administration), Maharashtra Primary Education Council, Mumbai, to the extent of respondent Nos.7 and 8, by which, the application for request transfer of respondent Nos.7 and 8 is considered, who are junior to the petitioner and in turn, the petitioner be transferred in Wardha District.

B) By way of appropriate writ order or direction in the like nature, the Hon’ble High Court may kindly direct the respondent Nos.2 and 3 to take expeditious decision on the representations / applications dated 26/08/2016 and 17/02/2020 made by the petitioner, by which, the petitioner prayed for request transfer

under the couple convenience scheme in view of the Government Resolution dated 18/04/2013.”

2. The learned advocate for the petitioner submits that he would not pursue the challenge to the transfer on request of respondent nos.7 and 8. He had also requested for a transfer. After he was declared surplus a decade ago, he was absorbed in the service of the Jalgaon Zilla Parishad in 2013. He, therefore, moved from Wardha to Jalgaon and since 2013, he is working at Jalgaon. Request for transfer is normally entertained after putting in atleast 5 years at a place of transfer. This is stated on instructions. He, therefore, submits that he has made two applications by way of representation dated 26.08.2016 and 17.02.2020 requesting for transfer on the ground of couple convenience.

3. It is informed that such request can be considered by respondent nos.2 and 3, who are yet to be served. However, the learned advocate for the petitioner submits that he is not seeking any adverse orders against these respondents. He only prays that his last representation dated 17.02.2020 may be considered in accordance with the rules applicable.

4. Since an innocuous prayer is put-forth, we are of the view that this petition need not be kept pending in the light of the statement that the counseling for transfers would commence in the next month and the same is to be undertaken by respondent nos.2

and 3.

5. In view of the above, this petition is disposed off with the following observations :-

(a) The respondent nos.2 and 3 authorities would consider the representation of the petitioner dated 17.02.2020 on its own merits and strictly in accordance with the procedure and the scheme, if any, applicable to the petitioner.

(b) Such representation would be considered within the period permissible.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)