

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.14676 OF 2021

RAGHU GANPAT BHANGARE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shinde Balaji S.
AGP for Respondents: Mr. S.R. Yadav Lonikar.

CORAM : A.S. GADKARI & S.G. MEHARE, JJ.
DATE : 4TH JANUARY, 2022.

P.C.:

1] Petitioner's representation dated 30.11.2021, for transfer to a place where his wife is working, in pursuance to Govt. Resolution dated 7.4.2021 has been rejected by respondent No.4 by its communication dated 15.12.2021.

2] Petitioner is working in Zilla Parishad School, Kopargaon station, Taluka Kopargaon, District Ahmednagar w.e.f. 17.05.2019. Petitioner's wife Smt. Aruna Dhongde - Bhangare is also working as a Teacher in Zilla Parishad School at Thokalwadi, Taluka Akole, District Ahmednagar since 23.6.2019. As per the petitioner, the distance between Kopargaon and Thokalwadi is approximately 95 kilometers.

3] Petitioner made representation with the respondent No.3 seeking his transfer within a periphery of 30 Kilometers from Thokalwadi, in pursuance to Government Resolution dated 07.04.2021, which has been turned down by respondent No.4.

4] It is the settled position of law that respondent No.4 has no authority to consider and decide such representation filed by petitioner. The coordinate Bench of this court in W.P. No. 11475 of 2021 and connected writ petitions, by its judgment dated 20.10.2021 has held that, respondent No.3 i.e. the Chief Executive Officer is a competent authority to take decision about transfers.

In the present case, it is a fact on record that respondent No.4 has considered and decided the representation of transfer of the petitioner by its impugned communication dated 15.12.2021.

5] In view thereof, the impugned communication dated 15.12.2021 is quashed and set aside. As a result thereof, respondent No.3 is directed to consider and decide the representation of the petitioner dated 30.11.2021 (page 35 to petition) as per the provisions of law and in view of the Government Resolution dated 07.04.2021, within a period of 3 weeks from the date of receipt of present order.

6] Petition is allowed in the aforesaid terms.

[S.G. MEHARE]
JUDGE

[A.S. GADKARI]
JUDGE.

grt/-