

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION 998 OF 2021

Yunus Kha Samsher Khan,
age 36 yrs, Occ. Service,
r/o. At Loni Takli,
Tahsil nandgaon Khandeshwar,
District Amravati

.....**PETITIONER**

...V E R S U S...

1. Ashok Shikshan Sanstha
Ashok Nagar, through its President
r/o. At Ashok Nagar,
Tahsil Dhamangaon-Rly,
District Amravati

2. Ashok Vidyalaya Loni Takli
through its Head-Master,
Loni Takli,
r/o. Loni Takli, Tahsil Nandgaon
Khandeshwar, District Amravati

3. Education Officer (Secondary),
Zilla Parishad, Camp,
Amravati, Tahsil and District Amravati

...**RESPONDENTS**

Mr. Fidvi Ibrahim Abid, counsel for petitioner.
Mr. S.N. Tapadia, counsel for respondents 1 & 2.
Mr. M.K. Pathan, AGP for respondent 3/State.

CORAM: **ROHIT B. DEO AND ANIL L. PANSARE, JJ.**
DATE: **20th AUGUST, 2022.**

ORAL JUDGMENT: (Per : Rohit B. Deo, J.)

The petitioner is questioning the transfer order dated

26.2.2020 issued by respondent 1 – employer whereby the petitioner is transferred from Ashok Vidyalaya, Loni Takli to Kurha High School, Taluka Tiwasa which is at a distance of 40 to 50 kilometers.

2. Vide order dated 4.11.2020, the Coordinate Bench noted that vide order dated 20.7.2020, it is observed that prima facie, the order of transfer impugned is not a mid-terms transfer, as alleged.

3. The Coordinate Bench further noted the statement of the learned counsel for the petitioner that the petitioner has not joined the post on transfer. The Coordinate Bench observed that the petitioner must comply with the order of transfer and join the post and granted 15 days time to the petitioner to join at the post of transfer. The Coordinate Bench further made it clear that only after the petitioner joins the post to which he has been transferred, that he may pursue the writ petition and raise the contentions which are available in law. It is not in dispute that after joining the post of transfer on 7.11.2020, within four days, the petitioner virtually abandoned service and then forwarded application seeking leave from 1.12.2020. This application seeking leave is

rejected by the Management. This is communicated to the petitioner vide communication dated 5.1.2021. The petitioner responded to the communication dated 5.1.2021 vide letter dated 11.1.2021 in which he informed the Management that since he is waiting for the decision in the present writ petition, he would not be in a position to join duty.

4. We are more than satisfied that the conduct of the petitioner borders on the contemptuous since the direction issued by this Court that the petitioner must join the place of transfer leaves no scope to the petitioner to pay lip service and join the place on transfer for four days and then refuse to work on the specious plea that the petition is pending.

5. Considering that the petitioner has no respect to the process of law and the orders passed by this Court, we are not inclined to entertain the grievance of the petitioner in writ jurisdiction.

6. The petition is dismissed.

(ANIL L. PANSARE, J.)
Digitally Signed By: BELKHED
RAVINDRA SURESHRAO
P.A. to the Hon'ble Judge
Signing Date: 20.08.2022 18:24

(ROHIT B. DEO, J.)

Belkhede