

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

CIVIL APPLICATION (CAW) NO.2426/2022 AND WRIT
PETITION NO.2485/2020

Ku. Lata Ramdash Katoke,
(Mrs. Lata Rajesh Iche), aged
about 44 Yrs., Occ. Service,
R/o Narayannagar, Tal. Daryapur,
Dist. Amravati.

... Petitioner

- Versus -

1. The State of Maharashtra,
through its Secretary, Rural
Development Department,
Mantralaya, Mumbai.
2. The Zilla Parishad, through its
Chief Executive Officer, Amravati.
3. The Divisional Commissioner,
Amravati Division, Amravati.
4. The Education Officer (Primary),
Zilla Parishad, Amravati.

... Respondents

Mr. Nitin Shridhar Autkar, Advocate for the Petitioner.

Mr. K.L. Dharmadhikari, Additional Government Pleader for
Respondent Nos.1 and 3.

Mr. N.R. Saboo, Advocate with M.G. Rathi, Advocate for
Respondent Nos.2 and 4.

**CORAM : SUNIL B. SHUKRE
AND ANIL L. PANSARE, JJ.
DATE : 11.11.2022**

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel for the parties.

2. In compliance with the order passed on 19.10.2022 Mr. Avishyant Panda, Chief Executive Officer, Zilla Parishad, Amravati is personally present before this Court. Realizing his mistake, Mr. Panda has admitted it and, therefore, has tendered unconditional apology and also prayed for grant of leave to delete two sentences of his affidavit dated 7.10.2022 which refer to incorrect facts.

3. We are of the view that the statements having been made on oath, irrespective of the nature of their contents, it may not be proper for this Court to grant leave to Mr. Panda to remove the statements from the affidavit already sworn in by him. If it is

to be permitted by this Court, it may mean that the officer told lies on oath, which may not prove to be in the interest of the officer in the long run. However, the most important fact is that the officer has realized his mistake and we are of the view that it is only the realization of the mistake that paves the way for further progress and improvement, which is already promised by his candid admission before this Court and tendering unconditional apology. The unconditional apology submitted by the officer is accepted. Now, there is no need to proceed any further in the matter and the motion initiated by this Court vide its order dated 19.10.2022 is now closed. The Civil Application (CAW) No.2426/2022 is disposed of in the above terms. No costs.

4. Mr. Saboo, learned counsel for Zilla Parishad, Amravati submits that Zilla Parishad, Amravati is willing to accord fresh consideration to the request of the petitioner for her transfer back to Daryapur, under the husband and wife unification policy of the State. On being questioned by this Court, learned counsel for the Zilla Parishad informs that there

are vacancies of school teachers in the schools situated within territorial jurisdiction of Daryapur Panchayat Samiti and, therefore, the petitioner could be accommodated by her transfer to any of such schools.

5. In view of the above, we direct Zilla Parishad, Amravati to grant request of the petitioner for being posted in suitable and appropriate school within the territorial limits of Daryapur Panchayat Samiti, under the husband and wife unification policy of the State. Petition is disposed of in the above terms. No costs.

6. As agreed by Zilla Parishad, Amravati transfer order shall be issued in favour of the petitioner within two weeks from the date of the order. Rule is made absolute in the above terms. No costs.

(ANIL L. PANSARE, J.)

(SUNIL B. SHUKRE, J.)