

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

WRIT PETITION NO. 62 OF 2020

PETITIONER :- Punam Bhuransingh Chavhan @
Smt.Punam Manohar Rathod, Aged about
40 years, Occup. Service, R/o At Post,
Jamb, Taluka Mohadi, District Bhandara.

...VERSUS...

RESPONDENTS :-1. State of Maharashtra, through its
Principal Chief Secretary, Rural
Development Department, Mantralaya,
Mumbai.

2. Zilla Parishad, Nagpur, Through its Chief
Executive Officer, Nagpur.

Mr.Akshay Sudame, counsel for the petitioner.
Mr.K.L.Dharmadhikari,AGP for respondent No.1
Mr.Shaikh Majid, counsel for respondent No.2.

CORAM : SUNIL B.SHUKRE &
G.A. SANAP, JJ.

DATE : 27.09.2022.

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

(1) Heard.

(2) Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

(3) It appears that one post of Pharmacist reserved for VJ-A category is going to fall vacant on retirement of one candidate Mr. M.R.Pawar, on superannuation with effect from 01.02.2023. If this is so, the request of the petitioner seeking her transfer from Bhandara Zilla Parishad to Nagpur Zilla Parishad can be appropriately considered by Zilla Parishad Nagpur, provided proposal in that regard is sent by Zilla Parishad Bhandara, one month before creation of the vacancy in the said category of VJ-A.

(4) The learned counsel for Zilla Parishad Bhandara, submits that if fresh application is submitted by the petitioner, stating new grounds, the same shall be processed appropriately and then appropriate decision thereon, shall be taken by Zilla Parishad, Bhandara. We must say it here that there is already a policy of the State Government which encourages the unification of the husband and wife working at different places on different posts of government establishments or local authorities. Therefore,

when a person like the petitioner, who is otherwise eligible for availment of the benefit of the husband and wife unification policy of the State, there is ordinarily no reason for her parent establishment to refuse to forward her inter-district transfer application. In fact, this Court had already directed Zilla Parishad Nagpur, by its judgment dated 20/09/2019 to take necessary steps in accordance with rules for accepting the inter-district transfer of the petitioner from Zilla Parishad Bhandara to Zilla Parishad Nagpur. Therefore, it would be in the interest of justice that appropriate directions are issued to Zilla Parishad Bhandara and Zilla Parishad Nagpur in the matter, while disposing of this petition.

(5) Accordingly, we direct that, the petitioner shall be at liberty to file a fresh application on the new ground of creation of vacancy in February-2023 in VJ-A category of Pharmacist to Zilla Parishad Nagpur and we direct that if such an application is made by the petitioner, same shall be processed appropriately and forwarded to Zilla Parishad, Nagpur, for appropriate decision, within 15 days from receipt of the application by Zilla Parishad,

Bhandara. We further direct Zilla Parishad Nagpur to take appropriate decision in the matter consistent with the husband wife unification policy of the State, within a period of one month from the date of the receipt of the application for inter-district transfer within one month from 1st February 2023, whichever is later.

(6) In view of the above judgment, pending application/s , if any, is/ are disposed of.

(7) In view of judgment passed in Writ Petition No. 62 of 2020, review application No.310 of 2020 stands disposed of.

(8) Rule is made absolute in the above terms. No costs.

(G.A.SANAP ,J)

(SUNIL B. SHUKRE,J)