

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

1 WRIT PETITION NO.2651 OF 2023

SAROJ BALAJI MULE AND ANOTHER
VERSUS
THE STAET OF THROUGH PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Ramrao Dhondiram Biradar.

AGP for Respondent Nos.1 & 2 : Mr. P. S. Patil.

Advocate for Respondent Nos.3 & 4 : Mr. U. B. Bondar.

...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 27th March, 2023.

Per Court:

1. On 8th March, 2023, we had passed the following order:-

“1. Both the Petitioners have put forth prayer clauses
‘A’ and ‘B’ as under:-

“A. The Petitioners are praying to quash and set
aside the transfer order/list dated 17/02/2023 to
the extent of petitioners, issued by respondent
authority by violating the norms/parameters of
Government Resolution dated 07/04/2021 and
in respect of special category part- IV.

B. The petitioner is praying to consider their
applications under couple convenience for the
academic year June 2023 to April 2024,
petitioners be permitted to submit their online
application when portal is open for the transfer
of academic year June 2023 to April 2024.”

2. Issue notice to the Respondents, returnable on 27th March, 2023. This matter would appear in the “passing orders” category.

3. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 2. Since Shri U. B. Bondar, the learned Advocate is on the panel of the Latur Zilla Parishad, we requested him to assist the Court in this matter. He appears on behalf of Respondent Nos.3 and 4.”

2. The learned Advocate for the Petitioners and the learned Advocate representing the Respondent Zilla Parishad, jointly submit that this Court has passed an order on 6th January, 2023 in identical set of circumstances in Writ Petition No.13344 of 2022 filed by Datta Rushiket Salunke and others Vs. State of Maharashtra and others. It is stated that paragraph 7 would be applicable to this case.

3. Paragraph 7 in Datta Rushiket Salunke (supra) reads as under:-

“7. In view of the above, this petition is partly allowed. The concerned authority would entertain the applications of the petitioners provided the applications are made online after the portal is opened by the Government. Their request for transfer on the basis of couple convenience would be considered for the academic year June 2023 to April 2024. All other rules and policy applicable to such cases would be duly

considered while deciding the claims of these petitioners on their merits.”

4. In view of the above, this Petition is partly allowed in terms of prayer clause (A). The concerned authority would consider the applications of the Petitioners, provided the applications are made online after the portal is opened by the Government. Their request for transfer on the basis of couple convenience would be considered for the academic year June 2023 – April 2024, keeping in view all rules and policies applicable to such cases.

5. We make it clear that we have not expressed any opinion as regards the merits of the claim of the Petitioners.

[SANJAY A. DESHMUKH, J.] [RAVINDRA V. GHUGE, J.]

nga