



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

Writ Petition No.6196/2023

Gajanan V State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. K.S. Chiwarkar, Adv for petitioner.
Mr. A.Y. Kapgate, Adv for resp. Nos. 3 to 5.
Mrs. Prachi Joshi, AGP for resp. nos. 1 and 2.

CORAM : AVINASH G GHAROTE J.
DATE : 16-10-2023

The petition challenges the impugned order dated 08-09-23 passed by the learned Commissioner in appeal dismissing the appeal and upholding the order dated 16-06-23 passed by the Chief Executive Officer, Zilla Parishad, Godia. By an order dated 10-10-23, the plea insofar as the medical ground of the petitioner is concerned, has been turned down. The next ground, which is sought to be urged is the availability of persons senior to the petitioner being transferred. In this context, it is submitted by learned Counsel for respondent no.1 that though admittedly Mr. P.M. Khadse, Dr. Pardhi, Miss A.J. Meshram and Mr. P. Bansod were seniors to the petitioner insofar as Mr. P. Bansod is concerned, in appeal filed by him before the learned Commissioner against his transfer, the same has been allowed and he has been directed to be posted at Arjuni (Morgaon) where his wife is working under the husband wife togetherness policy. Insofar as Mr. Khadse is concerned, he was exempted from the transfer as his age was above 53 years in terms of the Government Resolution dated 15-5-14. Insofar as Dr Pardhi and Ms Meshram are concerned, it is contended that both of the

persons were teaching subject Physics and there was no other post vacant in place of those persons at the posting as they were already stationed. The petitioner on the other hand teaches the subject of biology and since there was a vacancy created at Goregaon which is 10 KM from Gondia the petitioner has been posted there. It is therefore contended that there is no other post, which is of a teacher of biology which is vacant according to the scheduled available with the petitioner and therefore the petitioner cannot be accommodated. The petitioner, prefaced with the above position is unable to point out the existence of any vacancy of a teacher teaching the subject of biology in the district, considering which, I do not see any reason to interfere in the order impugned in this petition. The same is dismissed. No costs.

JUDGE