

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15519 OF 2023
IN
WRIT PETITION NO. 2531 OF 2019

Shrikant Dhondu Sutar

...Applicant/Petitioner

Versus

The State Of Maharashtra Through Its
Department Of Rural Development And
Water Conservation And Ors.

...Respondents

Ms. Savita Suryawanshi for Applicant/Petitioner.

Mr. M.M. Pabale, AGP for Respondent No.1.

Mr. C.G. Gavnekar a/w. Ashutosh Gavnekar and Rohit Parab, for
Respondent Nos. 2 and 3.

**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 16 APRIL 2024

P.C.:

. Heard learned counsel for the parties.

2. The matter is listed under the caption “For orders” order in view of the interim application filed by the Petitioner. Petition is pending since 2019. We have considered the writ petition itself as grievance of the Petitioner lies in narrow compass.

3. What the Petitioner seeks is transfer from the Zilla Parishad Primary School, Khargaon Khurd, Taluka Mhasla, District Raigad to any other Zilla Parishad Primary School near Mumbai in Taluka Panvel i.e. within Raigad District. The claim of the Petitioner is

based on the policy a couple should be kept at same place where they are working. In the petitioner's case one works in Zilla Parishad other works in Municipal Corporation. In the petition, by an interim application Petitioner sought to contend that the Petitioner is not able to upload the form as required on the system.

4. We do not find there is any clarity what is being put across by the Petitioner as to why the Petitioner is unable to upload the form. Admittedly the Chief Executive Officer of the Zilla Parishad has to decide whether the Petitioner needs to be transferred. Without getting into the issue, since the matter is pending 2019, we permit the Petitioner to make representation to the Respondent- Chief Executive Officer who will look into the prayer of the Petitioner and communicate the decision to the Petitioner within a period of 6 weeks thereof, if the application is made within a period of 3 weeks. In case the decision of the CEO is adverse to the Petitioner, we keep all the contentions of the Petitioner open.

5. Writ petition and interim application are disposed of.

6. We make it clear that it is only because the matter is pending for last five years at this stage and the prayer of the Petitioner is based on the policy of the Government regarding couple convenience that we have permitted the Petitioner to make a physical application as an exception.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)