

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 297/2024 (S.B.)**

Ms. Ruksana Shamsuddin Hakim,
Aged about 38 years, Occ. Service,
[Resident of Labbaik Cooperative Hsg. Society,
F/1, A Wing, Vyayamshala Lane, Alibag, Tahsil Alibag,
Dist. Raibagh], Presently working at the office of the Deputy
Director of Education, Balbharti Building, Near Dhantoli Garden,
Nagpur.

Applicant.

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
School Education & Sports Department,
Mantralaya, Mumbai-32.
2. The Commissioner of Education,
Education Commissionerate,
Dr. Any Bazent Marg, Pune – 1.
3. The Deputy Director of Education,
Nagpur Division, Dhantoli,
Nagpur – 440 012.

Respondents

Shri B.M.Kharkate, Ld. Counsel for the applicant.
Smt. S.R.Khobragade, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated: - 21st October, 2024.

JUDGMENT

Heard Shri B.M.Kharkate, learned counsel for the applicant and Smt. S.R.Khobragade, learned P.O. for the Respondents.

2. The case of the applicant in short is a under-

The applicant was initially appointed as Law Officer Group-B by order dated 16.04.2019. She had joined at the office of the Deputy Director of Education, Nagpur Division, Nagpur. The applicant has completed five years at Nagpur. The applicant is due for transfer. She is not transferred as per her request. The applicant's mother is residing at Alibag District Raigad. The applicant has made representation on 11.12.2023 and thereafter also to the respondents, but those are not considered till date. Therefore, she has filed the present O.A..

3. Reply filed by the respondents 1 to 3 shows that the representations are under consideration. Para nos.6 and 7 of the reply are reproduced below-

6. *It is pertinent to mentioned here that, the rules stipulate that any transfer process initiated after 31st May of every year and as of now, the respondent no.1 has not issued such a notification, which means that no administrative transfers have been processed. Therefore, the applicant transfer request is currently under consideration.*

7. *It is further submitted that, the respondent no.1 review all pending requests, including the applicant's request, and make*

decisions based on the merit. The final decision on the applicant representation will be taken on merit, by then, the status of the applicant's request remains under consideration.

4. The learned counsel for the applicant has pointed out that applicant's family are at Alibag District Raigad near to Mumbai and therefore she wants transfer to Mumbai. The respondents have stated in the reply that the representations of the applicant are under consideration they will decide it as per the merit. Hence, the following order-

ORDER

1. The O.A. is allowed.
2. The respondents are directed to consider the representations of the applicant on merit within a period of 4 months from the date of receipt of this order.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 21/10/2024
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman .
Judgment signed on : 21/10/2024.
Uploaded on : 28/10/2023.