

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 6835 OF 2015**

SANJAY DATTARAM SHELGE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shingare K. F.

AGP for Respondent/State : Mr. S.R. Yadav Lonikar

Advocate for Respondent nos.2 and 3 : Mrs. Kshirsagar
Yogita M.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: November 18, 2015**

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PER COURT :-

This Writ Petition takes exception to the order dated 3rd July, 2015 bearing Outward No. ZP Nanded/Education Department/P-6/2014/5265 issued by the Respondent No.2.

2. The learned counsel appearing for the petitioner invited our attention to the inter-se communication between the concerned Department of the Mantralaya and Chief Executive Officer of the Zilla Parishad, Nanded and submits that, in fact, the transfers were banned by the State Government unless there is request for transfer with mutual consent. It is submitted that, the petitioner did challenge his earlier transfer to the same place, now which is mentioned in the impugned order. It is submitted that, the complaint

filed against the petitioner was not genuine, and therefore, the impugned order of transfer should not have been passed by the Chief Executive Officer, Zilla Parishad, Nanded.

3. On the other hand, the learned counsel appearing for the Respondent-Zilla Parishad invited our attention to the contents of the impugned order and submits that, for the reasons which are mentioned in the impugned order, transfer order is justified.

4. We have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the Respondent Nos. 2 and 3 and the learned A.G.P. appearing for the Respondent-State. With their able assistance, we have perused the pleadings in the Petition, grounds taken therein and the annexures thereto and the contents of the impugned order of transfer.

5. In the first place, the transfer is an incident of the service and secondly, the reasons which are mentioned in the impugned order of transfer are self speaking, which need no clarification. Upon careful perusal of the reasons in the impugned order, in our opinion, justifiable reasons are assigned. No interference is called for in the impugned order. Hence Petition is rejected.

(**P.R. BORA, J.)**

(**S.S. SHINDE, J.)**