

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7564 OF 2014

RAJGOPAL BHIVAJIRAO SURAWASE
VERSUS
THE JALGAON ZILLA MARATHA VIDYA PRASARAK SAHAKARI
SAMAJ LIMITED, JALGAON AND OTHE

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Mr.S.R.Barlinge,Adv. For petitioner
Mr.G.K.Thigale,AGP for Respondent State
Mr.A.B.Girwe,Adv.for R.2.
Mr.P.P.Chavan,Adv. For R.1 and 3.

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**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.**
DATED : 12th MARCH, 2015

P.C. :-

Mr.Barlinge, learned counsel submits that the petitioner is transferred vide order dated 14/8/2014 as Principal of College at Jalgaon to the college at Varangaon. Learned counsel submits that the petitioner was initially transferred on 30/1/2013 to the college at Jalgaon as per his request. Request was made for transfer on health ground. Considering the health ground of the petitioner, request was accepted and the petitioner was transferred to the college at Jalgaon. Learned counsel submits that the petitioner has health problems. According to the learned counsel in the midst of academic year, on 14/8/2014, the administrative board transferred the petitioner to the college at Varangaon. The learned counsel submits that the reason mentioned is erroneous. Even otherwise, mid term transfer ought not have been done. The transfer order is made on the request

application of the respondent no.4. According to learned counsel, the petitioner is to retire within one year and as such the person who is on the verge of retirement ought not to be transferred. Respondent no.4 is 46 years age and he can be posted at Jalgaon after retirement of the petitioner.

2] Mr.Chavan, learned counsel for respondent nos.1 and 3 submits that the petitioner is transferred on administrative ground. Audit is required to be conducted and the respondent no.4 had conducted audit properly from Varangaon he was brought at Jalgaon. The report was also considered and thereafter, the transfer orders were issued.

3] Mr.Kale, learned counsel submits that it was administrative ground the transfer was effected. We have considered submissions canvassed by learned counsel for respective parties. Petitioner is shown to be aged 60 years on the date of filling of the Petition as per title clause. No doubt transfer is a mid term transfer made in the month of August 2014. The reasons stated is administrative. Considering the reference given in the order of transfer, the transfer also is made at the request of respondent no.4 so also on administrative ground.

4] This Court is not inclined to interfere with the transfer order. It is also submitted that the petitioner had joined at transferred place at Varangaon in view of transfer order. The academic year is now coming to an end. In light of that, it would not be appropriate to interfere with the transfer order at this stage.

5] The petitioner may make a request application to the respondent nos.1 and 3 for consideration of his case about transfer,

which application would be considered by respondent nos.1 and 3 on its own merits.

6] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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