

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD**

WRIT PETITION NO. 8692 OF 2014

Madhav Nagorao Sanvekar .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri S. S. Jadhavar, Advocate for the Petitioner

Shri P. N. Mule, A. G. P. for the Respondent No. 1

Shri B. A. Shinde, Advocate for the Respondent Nos. 2 and 4

Shri V. H. Solanke, Advocate for the Respondent No. 5

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 04TH MARCH, 2015.

PER COURT :

1) Mr. Jadhavar the learned counsel for the petitioner states that, while passing the order on 01.08.2014 directing absorption of the petitioner in the Primary School, Pohandul, instead of the place of choice of petitioner that is Primary School, Atola. The respondent No. 3 in violation of the Government Resolution dated 18.05.2011 has absorbed respondent No. 5. The respondent No. 5 is junior to the petitioner. The petitioner had made representation on number of occasions, however, the same is not considered. Recently the petitioner on 08/01/2015 had also given request application that, in case petitioner can not be transferred at the place of his choice the petitioner may be transferred at the nearby place that is near Parbhani town, as

the wife of the petitioner is suffering from cancer. The said application is given on 08.01.2015.

2) We have heard the learned counsel for respective respondents also.

3) The learned counsel for the respondents submits that, at the time of conciliation the petitioner had given consent for being absorbed at the place where the petitioner is absorbed vide the impugned order. The same is disputed by the learned counsel for the petitioner.

4) The order of absorption is dated 01.08.2014. In light of that, at present because of the time gap, we are not inclined to disturb the position, however, the respondent authority that is respondent No. 2 shall consider the representation of the petitioner given on 08.01.2015 sympathetically on its own merits, preferably before or at the time of general transfers being made.

5) Writ Petition is accordingly disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]