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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.11711/2014

Arunabai Vitthal Rathod.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri Arun S. Lomte, Advocate for petitioner.

Shri S.K. Kadam, AGP for respondent no.1.

Shri A.V. Patil, Advocate h/f Shri S.B. Pulkudwar,
Advocate for respondent nos.2 & 3.

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CORAM: S. S. SHINDE &

P.R. BORA, JJ.

DATE: 17.04.2015

ORDER :

1] Heard learned counsel for the parties.

2] The grievance is raised about transfer of petitioner from Hingoli to village Bhadegaon. It is the submission of learned counsel for petitioner that petitioner is transferred thrice in two years. It is submitted that petitioner complained against the Medical Officer and out of victimization, petitioner is transferred from Hingoli

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to village Bhadegaon.

3] On the other hand, learned counsel appearing for respondent nos.2 & 3 invited our attention to averments in the affidavit in reply and submits that the conduct of petitioner dis-entitles her from seeking any equitable relief from this Court. It is submitted that petitioner is in the habit of making complaints against the officers and as a result, smooth working of office is affected.

4] We have considered the submissions of learned counsel for petitioner and learned counsel for respondent nos.2 & 3. With their able assistance, we have perused pleadings in the petition, annexures thereof and reply filed by respondent nos.2 & 3.

5] In the first place, the employee has no right to assert so far as transfer is concerned, unless mala-fides in such transfer are writ large on record. In the facts of present case, no details of mala-fides on the part of respondents transferring petitioner from Hingoli to village Bhadegaon are stated. The transfer is an incident of service. Therefore, we decline to interfere in the impugned transfer order. However, we grant liberty to petitioner to make representation to the Chief

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Executive Officer, Zilla Parishad, Hingoli, requesting him to consider transfer of petitioner at Hingoli during general transfers, which may be effected during ensuing month of May. In case, such a representation is made by petitioner, the Chief Executive Officer, Zilla Parishad, Hingoli, to take sympathetic view keeping in view the fact that petitioner is a widow.

6] With above observations, the petition stands rejected. No order as to costs.

(P.R. BORA, J.)

(S.S. SHINDE, J.)