

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1955 /2015

(Mohammad Sadique Mohammad Rafique vs. State of Maharashtra and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri V.S.Bapat, Advocate for petitioner

Shri N.S. Khubalkar, Asst.Govt. Pleader for respondents 1 to 3

CORAM : SMT. VASANTI A. NAIK &
A.I.S. CHEEMA, JJ.

DATED : 9th October, 2015.

Heard.

By this petition, the petitioner seeks a direction to the respondents to transfer the petitioner on the post of Shikshan Sevak in a Urdu medium school in Zilla Parishad, Armavati.

It is the case of the petitioner that though the petitioner had preferred to be posted in Amravati District as per the first three preferences, the respondents have appointed the petitioner at Bhiwandi, while appointing the candidates securing lesser marks than the petitioner, at Amravati. It is stated that the action on the part of the respondents is bad in law.

Though we, *prima facie*, find that the action

on the part of the respondents is not proper, it is brought to our notice that the Nagpur Bench of the Bombay High Court would not have jurisdiction to entertain the Writ Petition. All the respondents fall within the jurisdiction of the principal Seat. Also, the petitioner is posted in Thane, which falls within the jurisdiction of the principal Seat. It would be necessary for the petitioner to file a Writ petition at the principal Seat.

In the circumstances of the case, we decline to entertain the Writ Petition at the Nagpur Bench, in view of the provisions of the Bombay High Court (Appellate Side) Rules.

The petitioner is at liberty to file appropriate proceedings at the principal Seat. Order accordingly. No costs.

JUDGE

JUDGE

safare