

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5721 OF 2015

[Shri Anil Ajabrao Khangar .vs. The State of Maharashtra and others]

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

Court's or Judge's orders

Shri Vishal Anand, counsel for the petitioner,
Shri A.S. Fulzele, Additional Government Pleader for the respondents.

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

DATED : OCTOBER 13, 2015.

Heard.

By this petition, the petitioner impugns the order of the Maharashtra Administrative Tribunal, Nagpur, dated 8.10.2015, transferring the petitioner from Shirpur in District-Yavatmal to Patanbori in District-Yavatmal.

The petitioner was posted at Shirpur in Tahsil-Wani in the year 2008. According to the petitioner, Shirpur is considered to be the naxalite affected area and according to the petitioner, he ought to have been granted a posting as per his choice on the basis of the Government Resolution dated 6.8.2002. According to the petitioner, the petitioner ought to have been transferred by the respondents from Shirpur to Kayar where the petitioner desired to be transferred.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. As per the Government Resolution dated 6.8.2002, the petitioner was required to give a choice of three places where he could have been transferred. The petitioner asked for his transfer from Shirpur to Kayar. The petitioner did not opt for any other place where he could have been transferred. In the aforesaid circumstances, the

Tribunal rightly found that the petitioner could not have sought his transfer at a particular place only. The petitioner ought to have given a choice of some other places where he could have been transferred. The Tribunal rightly found that, by the transfer order, general transfer of more than 152 Laboratory Technicians was made. When the respondents were required to transfer about 152 Laboratory Technicians, the respondents may not have been in a position to transfer the petitioner to Kayar from Shirpur. We do not find any error with the order of the Tribunal.

Since the order of the Tribunal is just and proper, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande