

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

WRIT PETITION NO.3703 OF 2016

Dr. Mohan s/o. Popatrao Shinde ..Petitioner

Vs.

The State of Maharashtra and
ors. ..Respondents

AND

WRIT PETITION NO.3704 OF 2016

Dr. Pandurang s/o. Ramrao Jadhav ..Petitioner

Vs.

The State of Maharashtra and
ors. ..Respondents

AND

WRIT PETITION NO.3722 OF 2016

Dr. Sanjay s/o. Nemichand Khandagale ..Petitioner

Vs.

The State of Maharashtra and
ors. ..Respondents

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Mr.S.D.Joshi, Advocate for petitioners in all
petitions

Mr.V.S.Badakh, AGP for respondent nos.1 to 3 in
Writ Petition Nos.3703 and 3722 of 2016 and

Mr.V.H.Dighe, AGP for respondent nos.1 to 3 in
Writ Petition N.3704 of 2016

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : JUNE 08, 2016**

PER COURT :

Heard the learned Counsel appearing for the petitioners and the learned AGP appearing for respondent nos.1 to 3 – State. None appeared for respondent for respondent no.4, though served.

2] All these Writ Petitions are arising out of the same impugned order. The same are, therefore, heard together and being decided by a common order.

3] The learned Counsel appearing for the petitioners invites our attention to the various documents which are placed on record and submits that since the petitioners are placed in the pay scale of Rs.15,600-Rs.39,100 with Grade Pay

Rs.5,400 i.e. in Group "A" posts, respondent no.2 was not the competent authority to transfer the petitioners. He submits that the In-charge Minister of Health Department is the only competent authority to effect transfers of the petitioners. He, therefore, submits that the impugned order may be quashed and set aside.

4] The learned AGP appearing for the respondent - State relying on the affidavit filed by respondent no.3 before the Maharashtra Administrative Tribunal, submits that the petitions are devoid of any merit and the same may be rejected.

5] We have given careful consideration to the submissions made by learned Counsel appearing for the petitioners and the learned AGP for respondent - State. With their able assistance, we have perused the documents placed on record.

6] Respondent no.3 by way of filing reply before the Maharashtra Administrative Tribunal had stated that vide Government Resolution dated 17.10.2014, the Medical Officers like petitioners were absorbed in Group 'A' posts under the Public Health Department. Further, though the petitioners had filed rejoinder affidavit before the Maharashtra Administrative Tribunal, there was no denial to the statements made in paragraph 9 of the affidavit filed by respondent no.3 before the Maharashtra Administrative Tribunal. Therefore, the claim of the petitioner that the petitioners are fixed in Group "A" cannot be considered. The Maharashtra Administrative Tribunal, while rejecting the application of the petitioners, has given reasons in paragraph 6 and those reasons are in consonance with the material placed on record.

7] We, therefore, do not find that the view taken

by the Maharashtra Administrative Tribunal is unreasonable or there is any perversity in the reasons recorded by the Maharashtra Administrative Tribunal. Admittedly, the impugned transfer orders mention that the transfers were on administrative grounds.

8] In that view of the matter, we are not inclined to entertain the Writ Petitions. All the Writ Petitions stand rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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