

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

WRIT PETITION NO.6046 OF 2016

Chandrakant s/o. Bhiva Ghodke,
Age 53 years, Occ. Service,
as Head Master, Zilla Parishad
Primary School, Shirdi (Marathi),
Tq. Rahata, Dist. Ahmednagar ..Petitioner

Vs

The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai
and ors. ..Respondents

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Mr.A.N.Kakade, Advocate for petitioner

Mr.V.H.Dighe, AGP for respondent no.1

Mr.S.T.Shelke, Advocate for respondent nos.2 and 3

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : AUGUST 05, 2016**

PER COURT :

Heard.

2. The learned Counsel for the petitioner submits that the petitioner may be retained at the place where, he was serving as a Head Master i.e.

at Shirdi, on the grounds that the petitioner's son is studying in 12th standard at Shirdi and the petitioner's wife is advised knee replacement and treatment at Kopargaon. He further submits that the respondents have not adhered to the procedure laid down by the State Government while effecting the transfer.

3. The learned Counsel for respondent nos.2 and 3 invites our attention to the document at Exhibit 'R-2' page 67 and submits that as a matter of fact, the petitioner was called for counseling and he has also signed the said document and opted for the place 'Bhavinimgaon' i.e. the place where he has been transferred. He submits that the petitioner has already been relieved from Shirdi.

4. Upon hearing the learned Counsel for the parties, we are not inclined to entertain the present petition. However, in case, it is

otherwise possible for the respondents to consider the request of the petitioner sympathetically keeping in view the aforementioned difficulties of the petitioner, the respondents can consider same.

5. With the above observations, the Writ Petition stands disposed of.

6. Needless to observe that if the petitioner makes a representation, the respondents shall consider it sympathetically.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp