

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 7658 OF 2016**

JAYAJI SHEHSERAO BHOSALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Munde Sambhaji G.

AGP for Respondent/State : Mrs. M.A. Deshpande

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: July 25, 2016**

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PER COURT :-

Heard the learned counsel appearing for the petitioner. He submits that the Block Development Officer has no power and authority to transfer the petitioner from one place to another place. He further submits that pursuant to the order passed by the Block Development Officer on 22nd May, 2015, in June, 2016 the petitioner has joined the school at Gharegaon. According to him, since the petitioner is suffering from spondylitis, his representation for transfer at Pisadevi ought to have been favourably considered by the Respondents.

2. We have considered the submissions

of the learned counsel appearing for the petitioner. From the submissions of the learned counsel appearing for the petitioner or from pleadings in the Petition, it is not made clear that, when the petitioner in adherence of the communication dated 22nd May, 2015 issued by the Block Development Officer, Panchayat Samiti, Aurangabad has joined at Gharegaon. During the course of hearing, the learned counsel appearing for the petitioner submits that in June, 2016, the petitioner had joined at Gharegaon. The petitioner has not made out case so as to exercise the discretion of this Court, rather made facts complicated. If the petitioner did not join at Gharegaon, even after passing the order by the Block Development Officer and only he has joined in the month of June, 2016 i.e. after 12 months, we do not think this is a fit case, wherein we can invoke extraordinary writ jurisdiction and exercise discretion in favour of the petitioner.

3. It would have been different matter, in case, the petitioner ought to have challenged the order dated 22nd May, 2015 passed by the Block Development Officer on the ground of jurisdiction or authority of

Block Development Officer immediately. However, the belated attempt made by the petitioner, cannot be countenanced. Therefore, we are unable to persuade ourself to grant any relief in favour of the petitioner. In case the petitioner wishes to pursue the Respondents for redressal of his grievance, he can do so. However, we are not inclined to issue any directions to the Respondents. Hence the Petition stands rejected.

(P.R.BORA, J.)

(S.S. SHINDE, J.)

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