

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

**WRIT PETITION NO. 9717 OF 2016**

**SUNITA DAMODHARRAO DESHMUKH  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

**ALONG WITH  
WRIT PETITION NOS.9512/2016, 9513/2016, 9514/2016, 9515/2016,  
9516/2016, 9517/2016, 9518/2016 AND 9519/2016.**

...  
Advocate for Petitioners : Shri S.R.Chaukidar h/f Shri Panpatte V.S..  
AGP for Respondents 1 and 2 : Shri P.N.Kutti.  
Advocate for Respondents 3 and 4 : Shri S B Pulkundwar.  
...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 21<sup>st</sup> September, 2016**

Per Court:

1           Writ   Petition   Nos.9512/2016,   9513/2016,   9514/2016,  
9515/2016, 9516/2016, 9517/2016, 9518/2016 and 9519/2016 are not  
on Board. Mentioned. Taken on Board.

2           The Petitioners in these petitions are challenging the orders of  
transfer dated 03.06.2016, the orders of the Chief Executive Officer, Zilla  
Parishad dated 27.06.2016, 04.07.2016 and 07.07.2016 and the order of  
the Divisional Commissioner, Aurangabad dated 04.08.2016.

3           The learned AGP appearing on behalf of Respondent Nos.1 and 2 and the learned Advocate appearing on behalf of Respondent Nos.3 and 4, submit that the order of transfer dated 03.06.2016 which is assailed in these petitions in prayer clause (B) is already subject matter of adjudication before the learned Division Bench of this Court in Writ Petition Nos.5984, 6089, 6090, 6092, 6093, 6094, 6203, 6214, 6216, 6394, 6414, 6415, 6436, 6452, 6475, 6481, 6505, 6867, 6742, 6745, 6860, 6954, 6967, 6968, 6970, 7009, 7082, 7201, 6211, 6784, 6168, 6169, 6170, 7387, 6477 and 6091 of 2016.

4           They further point out that as per the order of the learned Division Bench dated 12.07.2016, the Chief Executive Officer has looked into the grievance of the Petitioners and has passed the orders dated 27.06.2016, 04.07.2016 and 07.07.2016, which have also been considered by Respondent No.2/ Divisional Commissioner by order dated 04.08.2016.

5           It is submitted that the learned Division Bench has not disposed of the said Writ Petitions filed by these very Petitioners in which the order dated 12.07.2016 was passed and the Chief Executive Officer and the Divisional Commissioner were directed to consider the

representations of these Petitioners. This obviously means that these orders passed by the Chief Executive Officer and the Divisional Commissioner will now be considered by the learned Division Bench in the pending petitions. All these orders are already placed on record before the learned Division Bench. It is, therefore, contended that the grievance of the Petitioners, set out in these petitions, is already being looked into by the learned Division Bench in the pending petitions and hence, these petitions can be disposed of.

6           The learned Advocate for the Petitioners submits that these petitions can either be considered by this Court or they can be transferred to the learned Division Bench. He submits that in paragraph 20 of the memo of these petitions the Petitioners have disclosed the pendency of the petitions before the learned Division Bench.

7           I am unable to accept this contention for the reason that entire grounds set out in these petitions for challenging the order of transfer are already set out in the pending petitions before the learned Division Bench and the learned Division Bench is considering the legality of those orders. It was under the orders of the learned Division Bench that the Chief Executive Officer and the Divisional Commissioner have considered the grievances of these Petitioners through their

representations. A formal appeal for challenging the order of the Chief Executive Officer, Zilla Parishad was never filed by these Petitioners before the Divisional Commissioner, Aurangabad and the Petitioners were satisfied with the direction of the learned Division Bench that their pending representations be considered by the Chief Executive Officer, Zilla Parishad and the Divisional Commissioner, Aurangabad.

8           In the light of the above, these petitions are disposed of keeping in view that the Petitioners are agitating the same cause of action before the learned Division Bench.

*kps*

**(RAVINDRA V. GHUGE, J.)**