

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6611 OF 2016

Shri Shivanand Konade

...Petitioner

Versus

Terna Public Charitable Trust & Anr.

...Respondents

...

Mr. Ashish Mehta with Ms Shivani Deshmukh,
Ms Shivani Jadeja, Mr. Amit Ghurye and Ms Avani
Rathod for the Petitioner.
Mr. Mahesh Shukla for Respondents.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 17th JUNE, 2016.

P. C. :

Heard the learned counsel appearing for the respective parties.

2. By this petition filed under Articles 226 and 227 of the Constitution of India, the Petitioner is challenging the order dated 3rd/6th June, 2016 of Respondent No.1 whereby the Petitioner is transferred from Terna Engineering College Nerul, Navi Mumbai to College of Engineering, Osmanabad.

3. The learned counsel appearing for the Petitioner submits that in the year April, 2016 Local Inquiry Committee had come for

inspection of Respondent No.2 college and at that time the Petitioner made a grievance about his promotion and because of this he is facing transfer to the College of Engineering at Osmanabad. He also submits that Osmanabad is inconvenient to the Petitioner as he is residing at Navi Mumbai alongwith his old mother and young son.

4. The learned counsel appearing for Respondents submits that the Petitioner is transferred in routine course. The Respondents, in fact were not aware about the complaint made by the Petitioner to the Local Inquiry Committee. He lastly submits that the Petition is devoid of any merit and therefore, be dismissed.

5. On perusing the compilation of the writ petition and the appointment letter, which is annexed at Exh.'A', to the petition, it is seen that the job of the Petitioner is transferable job. The learned counsel for the Respondents placed on record list of the other transferrers, which is taken on record and marked 'x' for identification, shows that the Petitioner is not the only person transferred from Navi Mumbai to Osmanabad. Alongwith the Petitioner two more persons are also transferred to Osmanabad. Some persons are also transferred from Osmanabad to Navi Mumbai.

6. Having gone through the submissions, we do not find any support to the Petitioner's contention that his transfer is malafide. The transfer is an incident of service. We are therefore, not inclined to interfere in the order dated 3rd /6th June, 2016. The petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)