

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1419 OF 2016

Babasaheb S/o Bhausahab Waghmode

-vs-

The State of Maharashtra, thr its Secretary, Revenue and Forest Department, Mantralaya,
Mumbai-32 and ors

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.N.B. Kalwaghe, counsel for the petitioner.
Mr.N.R. Patil, AGP for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : MARCH 18, 2016.

Heard.

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal dated 2.2.2016 dismissing the original application filed by the petitioner after holding that there was no illegality in the transfer order dated 5.9.2015.

The petitioner was working as a Sub Divisional Officer at Khamgaon from 22.8.2014. By the transfer order dated 5.9.2015, the petitioner was transferred as a Deputy Collector for the Employment Guarantee Scheme, Buldhana. The petitioner challenged the transfer order before the Administrative Tribunal in Original Application No.546 of 2014. According to the petitioner, the transfer order was bad in law as it was effected in the midst of the session without giving special or exceptional reasons. Secondly, according to the petitioner, the said transfer was effected

with a view to accommodate the respondent No.4. After hearing the parties, the Maharashtra Administrative Tribunal, by the impugned order dated 2.2.2016, dismissed the original application filed by the petitioner.

On hearing the learned counsel for the parties and on a reading of the impugned order, we do not find any reason to interfere with the impugned order in exercise of the writ jurisdiction. The Tribunal perused the original record and proceedings pertaining to the transfer of the petitioner. Though the petitioner claimed that the petitioner was transferred with a view to accommodate the respondent No.4, the Tribunal found that by the same transfer order the transfer of ten employees was effected and the petitioner was not singled out. The Tribunal found on an appreciation of the material on record that the petitioner was required to diligently issue caste certificates to the students but since the caste certificates were not issued within a reasonable time, due to administrative exigency, the transfer of the petitioner was effected to Buldhana so that the duties that are required to be performed by the Sub Divisional Officer including the duty of the issuance of the caste certificates would not be hampered. The Tribunal found that the transfer of the petitioner was approved by the Honourable Revenue Minister and also the Honourable Chief Minister. The Tribunal held that public interest is always predominant and if an order is made to protect such interest to serve the public better, it could be said that the order is passed due to administrative exigency which would be a special or exceptional circumstance for effecting the transfer. The observations made by the Tribunal appear to be just and proper.

Since the impugned order is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

!! BRW !!