

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

WRIT PETITION NO.1908/2016

Sudhakar s/o Dnyaneshwar Gaikwad

...Versus...

**State of Maharashtra, through its Secretary, Rural Development and Water
Conservation Department, Mantralaya, Mumbai and others**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.S. Khandewale, Advocate for petitioner
Shri H.D. Dubey, AGP for respondent no.1

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

DATE : 13.04.2016

By this writ petition, the petitioner challenges the transfer of the petitioner from Panchayat Samiti Kurud in Desaiganj to Panchayat Samiti Pusukpalli in Sironcha, dated 12.9.2015.

On hearing the learned Counsel for the petitioner and on a perusal of the documents annexed to the writ petition, it appears that the relief sought by the petitioner cannot be granted. Though the transfer of the petitioner was effected by the order dated 12.9.2015, the petitioner had not filed a writ petition for more than three months as the same is filed on 22.12.2015. The objections in the petition were also not removed for more than two months and the same are removed only on 3.3.2016. The

petitioner is, therefore, questioning the transfer order after more than five months. The petitioner has joined Pusukpalli in Sironcha, where he has been transferred.

Also, we find on a perusal of the order in a Bunch of writ petitions bearing Writ Petition No.2783/2015 that the Chief Executive Officer of the Zilla Parishad was directed to execute the transfer by considering the relevant factors and each of the petitioners in those writ petitions (the petitioner in this case has also filed one) was required to join at the place of posting without any demur. The petitioner has, therefore, joined the place of posting and then belatedly filed the writ petition after three months. Also, on a reading of the impugned order, it appears that the petitioner has been transferred to Pusukpalli in Sironcha after the counselling. It is apparent from a reading of the impugned order that the petitioner had agreed for his transfer to Pusukpalli. Though it is stated on behalf of the petitioner that only those persons who had approached the Court had been transferred by the Chief Executive Officer and others were left out, the said fact is falsified by the document that is annexed at Annexure P-7 to the writ petition.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE