

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

**WRIT PETITION NO.1236 OF 2017**

Dr. Suresh s/o. Govindrao Borkar,  
Age 60 years, Occ. Service,  
r/o. Rahuri, Tq. Rahata,  
Dist. Ahmednagar

..Petitioner

Vs.

The State of Maharashtra,  
Through its Principal Secretary,  
Agriculture and Animal Husbandry  
Department, Mantralaya,  
Mumbai – 32  
and ors.

..Respondents

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Mr.V.V.Deshmukh, Advocate for petitioner  
Mrs.V.N.Patil, AGP for respondent no.1

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**CORAM : S.V. GANGAPURWALA AND  
SANGITRAO S. PATIL, JJ.  
DATE : MARCH 20, 2017**

**ORDER :**

1. Mr.Deshmukh, learned Counsel for the petitioner submits that since 27 years, the petitioner is serving with respondent no.2 – Mahatma Phule Krishi Vidyapeeth, Rahuri, and now, he is being transferred to another University i.e.

Vasantrao Naik Marathwada Agriculture University, Parbhani. The learned Counsel submits that only because the petitioner had filed a petition against the appointment of the Vice-Chancellor of respondent no.2, to settle the score, the Vice-Chancellor of respondent no.2 recommended transfer of the petitioner. He submits that in that way, the transfer of the petitioner is *mala fide*. According to the learned Counsel, the petitioner is to retire in July, 2018 and the transfer order is issued in January, 2017. At the fag end of the career of the petitioner, he is being transferred. Even, the transfer order is not signed by the Pro-Chancellor, but signed by the O.S.D., which is not permissible as the O.S.D. has no authority to issue the transfer order. The transfer of other two persons have been cancelled and the petitioner has been transferred, which itself reflects the *mala fides*. The Vice-Chancellor of University where the petitioner is being transferred, had never asked for services or expertise of the petitioner.

2. The learned AGP submits that the Hon'ble Minister of Agriculture is the Pro-Chancellor of Agriculture University and as per his suggestion, the transfer order has been passed. An endorsement to that effect has been made by the Hon'ble Minister. She submits that as per Statute 59 of the Maharashtra Agriculture Universities Act (Krishi Vidyapeeths), 1983 ("the Act", for short), transfer of a staff member from one University to another is permissible and such transfer can be made to make the talent and expertise of the academic staff and officers of one University available to another University.

3. We have considered statute 59 of the Act. It empowers the Pro-Chancellor to transfer any member of the academic staff or any Officer from one University to another University for such period as the Pro-chancellor may in each case determine. The same can be to make the talent and expertise of the academic staff and officers of one

University available to another University. The reasons for the transfer of the petitioner depicts the same.

4. It is submitted that as per the Rule, if the retirement of an employee is due within one year, such employee may not be transferred. It appears that in the present case, the retirement period of the petitioner is more than one and half year from the date of transfer order. It is for the authority under the Act, to consider the grievance put forth by an employee.

5. Considering the above, the Writ Petition is disposed of. However, if the petitioner desires, he may make a representation to the authority concerned, with regard to the transfer, which would be considered by the authority on its own merits. No costs.

**[SANGITRAO S. PATIL, J.]      [S.V. GANGAPURWALA, J.]**

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