

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6775 OF 2016
(Umesh Arun Suryawanshi Vs. The Secretary, Maharashtra
Animal And Fishery Sciences and Dairy Development,
Mantralaya and others)

Mr. Vishwas B. Wagh, Advocate for the Petitioner
Mr. A.S. Shinde, A.G.P. for the respondent/State
Mr. P.G. Rodge, Advocate for respondent Nos. 2 and 3

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.

DATE : 14th FEBRUARY, 2017

PER COURT :

Heard both sides.

2. The petition is filed to challenge the order of transfer of the petitioner from College of Fishery Science, Udgir to the College of Fishery Science, Nagpur.

3. The learned counsel for the petitioner submits that his superior one Shri B.R. Kharotmal, Associate Professor and Incharge of Associate Dean, Head of Department, Fisheries Biology Department, is responsible for his transfer from Udgir to Nagpur. He took us through the record to show that the present

petitioner had made complaints against said Kharotmal that he was guilty of malpractices as he had changed the marks secured by the students in one examination when the assessment work was given to him. There was another allegation that said Kharotmal had used thesis of the petitioner without obtaining his consent and the said thesis was published by Kharotmal in his own name. The learned counsel for the petitioner pointed out that in the first enquiry, said Kharotmal was apparently found responsible for both the lapses. It appears that another Enquiry Committee was appointed; however, the report of the said Committee is not available.

4. The learned counsel for respondent Nos. 2 and 3 submits that it is only an administrative transfer and in respect of the aforesaid incidents, the departmental enquiry is started against the petitioner. Copy of the chargesheet is also on record. The charge is in respect of malpractice in assessment work. It shows that the work of assessment was given to said Kharotmal; however, he had instructed to complete the said work of assessment to the present petitioner and there is allegation that the petitioner had done the assessment

when said Kharotmal was expected to complete the assessment work. If that be so, it can be said that both said Kharotmal and the petitioner are liable to be dealt with for the lapses and action needs to be taken against Kharatmol. These observations need to be brought to the notice of the authorities i.e. respondent Nos. 2 and 3 by the learned counsel for these respondents.

5. The aforesaid circumstances would show that the impugned transfer is on administrative ground and such transfer is possible. The record shows that the petitioner had worked in the college at Udgir for seven years and in such circumstance, we do not deem it appropriate to interfere with the order of transfer.

6. With the above observations, the Writ Petition is dismissed. No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE