

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

WRIT PETITION NO.6962 OF 2016

Rajesh Laxman Patil and
others. ... Petitioners.

Versus

The State of Maharashtra
and another. ... Respondents.

...

Mr.S.S.Thombre, advocate for the petitioners.
Mr.S.B.Yawalkar, A.G.P. for the State.
Mr.Rahul Pawar, advocate for Respondent Nos.2
and 3.

...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 02.05.2017.

PER COURT :

1. Mr.Thombre, learned counsel submits that petitioners had earlier filed W.P.No.11392/2015. The same is disposed of vide order dated 29.3.2016, thereby directing the Respondents to take decision with regard to

petitioner Nos.1 and 2 therein. The claim of petitioner No.3 therein was negatived.

2. According to Mr.Thombre, learned counsel, the Respondents have not taken into consideration the circular dated 18.10.2012, wherein relaxation was granted by the Government to those employees who have put in five years of service. The condition of 10 years of service was relaxed to five years. The learned counsel submits that though in the impugned order, reference is made to the said Circular dated 18.10.2012 but the same is not being followed.

3. According to Mr.Pawar, learned counsel the names of these petitioner Nos.1 and 2 are in the list of the candidates to be considered for inter-District transfer. The same would be considered as per the seniority and the Circular dated 18.10.2012, while preparing the seniority list.

4. There are various categories of persons to be considered for transfer. The categories

include reservations and other aspects as laid down in the Government policies incorporated vide various Government Resolutions. This Court while disposing of the earlier Writ Petition under judgment dated 29.3.2016 has observed as under :

"6. So far as petitioner Nos.1 and 2 are concerned, as they have completed more than ten years of service, we direct respondent Nos.1 and 2 to consider the cases of petitioner Nos.1 and 2 in accordance with the Government Circulars/policy for inter-district transfer and also the length of service rendered by them and take appropriate decision as expeditiously as possible, however, within a period of eight weeks from today."

5. Thereafter, the impugned order is passed, wherein it is stated that even the corrigendum dated 18.10.2012 is considered and their names have been maintained in the seniority

list considering the circular dated 18.10.2012. The said Circular deals with relaxation being granted with regard to length of service. The Respondents are certainly required to adhere to the said Circular and all other aspects which they have stated that they would be abiding under the impugned order. The same shall be abided.

6. The Writ Petition is disposed of with aforesaid observations. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

asp/office/wp6962.16

