

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13838 OF 2017

VIJAY JANARDHAN DHAKNE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Thombre S.S.
AGP for Respondents 1 and 2: Mr. N.T. Bhagat
Advocate for Respondent No.4 : Mr. D.R. Irle Patil
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CORAM : V. K. JADHAV, J.
DATED : 28th NOVEMBER, 2017

PER COURT:-

1. Heard.
2. It appears from the impugned order passed by the Commissioner, that before passing the said order, the Commissioner has not given any opportunity of hearing to the present petitioner. It is a part of record that the petitioner has been transferred to the place where respondent No.4 was working and respondent No.4 came to be transferred to some other place. Being aggrieved by the same, respondent No.4 alone approached the Commissioner and the Commissioner by its impugned order cancelled the order of transfer of respondent No.4. It is also a part of record that, meanwhile, the petitioner has joined the place of his transfer and as such, he would be the person affected by the order passed by the Commissioner.

3. In view of above, the petitioner as well as respondent No.4 shall file their respective representations before the Commissioner and the learned Commissioner shall pass appropriate order in respect of transfer of petitioner and respondent No.4, afresh.

4. Needless to say that the order impugned in this writ petition passed by the Commissioner is accordingly quashed and set aside. The parties shall file their respective representations before the Commissioner within two weeks from today and the Commissioner shall pass appropriate order/recommendation on the said representations, within a month from today. Writ petition is disposed of accordingly.

(V. K. JADHAV, J.)

rlj/