

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 273 OF 2017

Janki Amar Shende ..Petitioner

Vs.

Director of Medical Education
and Research and Another ..Respondents

Mr. Umesh R. Mankapure, for the Petitioner.

Mr. C. P. Yadav, AGP, for Respondent Nos.1 and 2.

CORAM:-B.R.GAVAI & B. P. COLABAWALLA,JJ.
DATE :- DECEMBER 21, 2017.

P. C.:

The Petitioner has approached this Court being aggrieved by the rejection of her application for transfer from Government Medical College, Kolhapur to the five Medical Colleges of which option was given by her.

2 The perusal of the reply would reveal that even while transferring the candidate from one college to another, the Respondent State has followed the criteria of merit.

3 Perusal of the reply would reveal that the Petitioner belongs to open category. In the merit of the application seeking transfer, her merit was at Sr. No.37. However, in the colleges where the option was given by the Petitioner there would have only nine vacancies. As such on account of her standing in merit, she could not been having accommodated for any of the colleges for which option was given by her.

4 Apart from that, we have our own reservation as to whether on the ground on which transfer is sought would benefit the Petitioner if her request is favourably considered. The medical ground on which the transfer is sought, is the medical condition of the Petitioner suffering from Asthama. Insofar as the difference between Kolhapur and Pune is concerned, we find that the climatic condition of Kolhapur and Pune is almost identical. On the contrary, Pune is more polluted than Kolhapur. Insofar as Bombay is concerned, it is within everybody's knowledge that it is one of the most polluted city in the country. We ask a question to ourself as to whether more pollution is conducive for the treatment of Asthama or not.

5 In that view of the matter, we find no merit in the
Petition. It is rejected.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)