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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 33971 OF 2017

Rahul Kisan Shinde & Ors. ...Petitioners
vs
State of Maharashtra & Ors. ...Respondents

.....
Mr N.D.Pote i/b Mr U.P.Warunjikar for the Petitioners
Mr C.P.Yadav, AGP for Respondent Nos.1 and 2.
.....

CORAM : **B.R.GAVAI &
B.P.COLABAWALLA, JJ.
DECEMBER 15, 2017.**

P.C.:

The Petitioners challenge the decision of the Government dated 24th November, 2017 vide which the Government has decided to postpone the transfer process for the academic year 2017-18 in the next academic year 2018-19.

2 The Government had come up with the G.R. dated 27th February, 2017, laying down certain guidelines for transfer. Two Division Benches of this Court, one at Aurangabad and other one at Principal seat upheld said Government Resolution.

However, the State Government came with a subsequent Government Resolution dated 12th September, 2017 which was challenged before this Court in a number of Petitions. The Division Bench of this Court vide its order dated 13th October, 2017, granted interim protection staying the effect and operation of the resolution dated 12th September, 2017. However, it was clarified that in the event the Government proposes to make the transfers in accordance with the Government Resolution dated 27th February, 2017, which were upheld by this Court, the same would be permissible.

3 Now it appears that finding it difficult to implement the transfers in the midst of the academic year, the Respondent State has decided to implement the transfers per-se in the academic year 2018-19. No error could be found in such a situation.

4 Learned advocate for the Petitioners states that the Government may now come with another resolution and further complicate the situation. Under Article 226 of the Constitution of India, this Court cannot entertain the Petition on the basis of

the so called apprehension of the Petitioners. The Petition is, therefore, dismissed. No order as to costs.

(B. P. COLABAWALLA, J.)

(B.R.GAVAI J.)