

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3120 OF 2017

(Vinodkumar s/o Shivprasad Shrivastava ..vs.. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sohoni, Advocate for the petitioner,
Smt. Kalyani Deshpande, A.G.P. for respondent Nos.1 and 2.

**CORAM : B.P. DHARMADHIKARI AND
ROHIT B. DEO, JJ.**

DATED : 13-06-2017

Heard Shri S.V. Sohoni, learned Advocate for the petitioner.

The petitioner seeks to assail order dated 12-05-2017 issued by respondent No.3- Chief Executive Officer, Zilla Parishad, Gondia transferring the petitioner from Devari Panchayat Samiti to Tirora Panchayat Samiti.

Learned Advocate Shri S.V. Sohoni invites our attention to order date 24-02-2017 in Writ Petition No.515/2017, which was instituted by the petitioner challenging transfer order dated 04-01-2017 on the ground that the said transfer is a mid-session transfer. Perusal of the order dated 24-02-2017 reveals that the petitioner showed his readiness and willingness to join at the transferred place when regular transfers are given

effect in April-May 2017.

This Court has observed in the said order dated 24-02-2017 that there is no substance in the contention of the Zilla Parishad that the transfer is not a mid-session transfer. This Court, therefore, directed the Zilla Parishad to give effect to the relieving order in April-May 2017 when the regular transfers were to be effected and dispose of the writ petition.

The transfer order impugned seeks to give effect to the directions issued by this Court in Writ Petition No.515/2017. It is not in dispute that the petitioner is being transferred to the same place to which he was transferred by the earlier transfer order dated 04-01-2017, which was subject matter of Writ Petition No.515/2017. The learned Advocate Shri S.V. Sohoni would, however, urge that the petitioner is relying on a disability certificate issued on 10-01-2011 evidencing a 40% visual impairment disability. The learned Advocate would further urge that in view of the disability of the petitioner, he is entitled to the benefit of the Government Resolution dated 15-05-2014 and that the name of the petitioner should, therefore, have been deleted from the list of Annual General Transfer.

We satisfied that there is absolutely no merit in the petition. The transfer order impugned only seeks to

give effect to the directions issued by this Court. The ground which is now urged was very much available to the petitioner when he assailed the transfer order dated 04-01-2017 in Writ Petition No.515/2017. It is apparent that no such ground was urged before this Court when the said writ petition came to be decided.

The petition is, therefore, dismissed with no order as to costs.

JUDGE

JUDGE

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