

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6122 OF 2018

Jayraj Bhimrao Nathjogi

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Balaji S. Shinde, Advocate for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1 and 2.

Shri Maheshkumar S. Sonawane, Advocate for Respondent Nos. 3.

Shri A. B. Kharosekar and Jayant Mukadam, Advocate for Respondent No. 4.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. Respondent no. 4 has filed affidavit.

Paragraph nos. 4 and 5 of the affidavit reads thus-

"...

4. It is submitted that if the petitioner would not have submitted application for request transfer on Govt. Portal by online he would have been transferred anywhere. The order has been issued by respondent no. 1. This respondent don't have any power to cancel his transfer. If the respondent no. 1 cancel his transfer order and directed to this respondent to reinstate him at his transfer post then this respondent will allow him to join the duties at Zilla Parishad

School.

5. It is submitted that this respondent is ready to allow him to join Zilla Parishad School, if the respondent no. 1 direct to allow him to join after cancelling its earlier transfer order. Thus, there is no substance in the petition and same may kindly be dismissed with cost."

2. We have asked the learned counsel for respondent no. 4 that whether post on which the petitioner was working prior to the impugned transfer order is vacant. The learned counsel, on instructions, submits that the said post and the other posts are still vacant.

3. In the light of that, considering the fact that respondent no. 4 is ready to accommodate the petitioner as has been stated in the affidavit, respondent no. 4 shall accommodate the petitioner and on the vacant post if the petitioner is accommodated the impugned order of transfer to the extent of the petitioner shall stands cancelled.

4. Writ Petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]
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