

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7368 OF 2018

Ramesh Bhagwat Nikale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Abhaya R. Rathod, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

Shri V. D. Sapkal, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 16TH JULY, 2018.

FINAL ORDER :

. We have heard Mr. Rathod, the learned counsel for the petitioner, the learned Assistant Government Pleader for respondent Nos. 1 to 3 and Mr. Sapkal, the learned counsel for the respondent No. 4.

2. The petitioner assails the order of transfer. The learned counsel relies on the judgment of the Division Bench of this Court in a case of Pawar Bhagwantrao Bhivrao Vs. Shri Swami Vivekanand Shikshan Sanstha Kolhapur and others reported in *2011 (1) Mh.L.J. 307*. The learned counsel further submits that, the wife of the petitioner is serving at

Rahata. The father of the petitioner is 100% disabled by both the legs and the mother is also psychic patient. All these aspects are required to be considered. The respondent No. 4 would not have transferred the petitioner under Rule 41 of the M. E. P. S. Rules.

3. Mr. Sapkal, the learned counsel for the respondent No. 4 submits that, since the year 1997 the petitioner is stationed in Rahata taluka and was accommodated. On administrative ground transfer is effectuated.

4. The order of transfer records the transfer on administrative ground. The petitioner has put forth his difficulties. It is for the management to consider the same. The petitioner has already given application/representation on 02.07.2018 requesting to post him at nearby place.

5. Considering the fact that representation is made by the petitioner to the respondent No. 4/institution, the respondent No. 4 shall take decision upon representation filed by the petitioner and the difficulties shown by the petitioner about his parents and the wife serving at Rahata and shall take decision upon it within a period of two (02) weeks from today. The writ petition as such is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 18