

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

WRIT PETITION NO. 7643 OF 2018

**PRASHANT DAGDU WARKARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Sudhir K. Chavan, Advocate for the petitioner
Mr.A.V.Deshmukh, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 28.08.2018

P.C. :-

. The petitioner assails the order of posting dated 19.06.2018 thereby posting the petitioner as a Medical Officer, Public Health Centre, Soygaon.

2. Learned counsel submits that the qualification of the petitioner is M.D. (Community Medicine). At the rural place more work load is available to Gynecologist and Pediatric. The petitioner is specialist and he ought not to be posted in the rural hospital. The option of the petitioner is required to be considered. Learned counsel submits that one Dr.Bhise working as a Medical Officer in the Police Hospital, Aurangabad is transferred and thus the post is vacant.

3. Mr. Deshmukh, learned AGP submits that though Dr. Bhise is transferred but he is not yet relieved and no other person has joined the said post and if the petitioner is allowed to join in the Police Hospital, Aurangabad then, the place where the petitioner is given posting and presently working would be vacant and residents of the said locality will not get Medical aid. The petitioner cannot choose his posting.

4. We have considered the submissions of the learned counsels.

5. The affidavit has been filed by the Medical Officer Class-1, Civil Hospital-respondent No.5 thereby stating that at the rural hospital more work load is available for Gynecologist, Pediatric and Anesthetist, rather than D.P.H. (Diploma in Public Health). At present at rural hospital, Soygaon, no specialist of stream of Gynecologist, Pediatric and Anesthetist is available and two bonded candidates are serving alongwith the petitioner. The respondents accept that the qualification which the petitioner possess would not be of much help to the

residents in the rural village and one having qualification of Gynecologist, Pediatric and Anesthetist is preferable.

6. Considering the above, we pass the following order:

ORDER

I. The respondent may consider petitioner's case for posting at the post that would become vacant on Mr. Bhise being relieved from Police Hospital, Aurangabad, however, only after suitable candidate is available to be posted at Public Health Centre in place of the petitioner.

II. With these observations, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[S.V. GANGAPURWALA, J.]