

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

916 WRIT PETITION NO. 8982 OF 2013

VAIJANATH GANGARAM HANGARGE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Choukidar S. R.

AGP for Respondents State: Mrs. D. S. Jape

Advocate for Respondent No.3 : Mr. V. S. Panpatte

Advocate for Respondent No.4 : Mr. Ramesh R. Mantri

**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 7th March, 2018

ORDER:

1. Both sides are heard for some time. It appears that respondent no.4 who has completed NCC and who is working for training NCC candidate is retained at the station since the year 1999 by giving lame excuse that no sufficient staff for giving such training is available at the station. This excuse cannot be considered. Nobody is indispensable and every person needs to be considered for transfer when he becomes due for transfer. In this regard what steps the Zilla Parishad is taking needs to be informed to this court on next date and the matter needs to be argued. This Court may not consider the new procedure created for annual transfers, online process.

2. When this court dictated this order, the learned counsel for the Zill Parishad made a statement that every person who is due for transfer including respondent No.4 will be transferred in the process. In view of the statement and as the entitlement will be on the basis of the procedure created for transfer, no specific relief can be given in the present matter.

3. If the procedure prescribed allows the petitioner to fill a form of transfer, he can fill the form again. With this observation, the petition is disposed of.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

JPC