

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

WRIT PETITION NO. 10802 OF 2018

**RUPALI RAJENDRA DHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.V.Y.Patil, Advocate for the petitioners.
Mrs.M.A.Deshpande, AGP for respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 04.10.2018**

P.C. :-

1. The petitioner had challenged the order of transfer of respondent No.3 from Mumbai to Aurangabad. The petitioner is officiating at Dhule. In-fact, original application filed by the petitioner is dismissed on the ground that the petitioner cannot be said to be aggrieved person.

2. Mr. Patil, learned Advocate for the petitioner contends that for more than 4.5 years, the petitioner is

serving at Dhule. The petitioner had made requests for transfer to Aurangabad. The representation made by the petitioner is pending. However, the authorities transferred respondent No.3 from Mumbai to Aurangabad within a period of one year of the respondent No.3 rendering service at Mumbai. The same is arbitrary. The petitioner is entitled to be transferred on completion of three years as per section 4 of the Transfer Act. The petitioner is discriminated. One Ms.Jyoti Gaikwad was transferred from Aurangabad to Mumbai. Her transfer was cancelled and was retained at Aurangabad. The authorities are showing favour to respondent No.3 and other persons, however, are not considering the legitimate case of the petitioner.

3. Learned AGP supports the order and submits that the petitioner has no locus to challenge the transfer of respondent No.3. The transfer of respondent No.3 is not at the place of the petitioner.

4. We have considered the submissions as per proviso to section 3 of the Transfer Act. A person from Group-III can be retained for two tenures at one place. In view of that no right is vested with the petitioner to seek transfer.

5. It has been stated by the respondents in affidavit that respondent No.3 was transferred after following procedure of transfer.

6. As no vested right was accrued in favour of the petitioner, the petitioner certainly could not have filed original application. The petitioner appears to have already given representation to consider her for the transfer. The respondent authority may consider said application on its own merits at the time of next general transfer. The petitioner contends that as per the seniority maintained by the respondents, the petitioner is at Sr.No.1 to be considered for transfer.

7. With these observations, the writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]