

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

WRIT PETITION NO. 10987 OF 2018

**JAYANT DAULAT KHADAKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Hanumant P. Patil, Advocate for the petitioner.
Mr.S.K. Tambe, AGP for respondent/State.

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

DATED : 11.10.2018

P.C. :-

1. Mr. Patil, learned Advocate for the petitioner submits that the petitioner is transferred under order dated 31.05.2018 from Jalgaon to Dhule. According to the learned Advocate, there are no complaints against the petitioner. The petitioner is suffering from heart disease and is also suffering from kidney pains and diabetes. The wife of the petitioner is also suffering from various ailments. The medical certificates are annexed with the petition. The petitioner was admitted in the hospital on 30.05.2018, as such he could not

remain present for the counseling also. The Tribunal has not considered all these aspects.

2. Mr. Tambe, learned AGP submits that the petitioner has completed his two tenures (six years) at Jalgaon and was due for transfer. It is the general transfer effectuated in the month of May. The Tribunal has considered all these aspects.

3. We have considered the transfer order. There are no mala fides involved. The petitioner has completed his tenure. The Tribunal has considered all these aspects. In view of that, we are not inclined to interfere with the order of transfer.

4. It is submitted that though the petitioner was relieved, salary is paid to the petitioner from Jalgaon only. No other person has been transferred at the place of the petitioner. The petitioner has also given an undertaking that he be retained at Jalgaon till April,

2019 and thereafter if he is transferred from Jalgaon after April, 2019, he will have no objection to the same. Such undertaking is accepted. Considering that today also the petitioner is paid salary from Jalgaon and that there is no person transferred at the place of the petitioner and also considering the ailments, which are shown by the petitioner, certificates of which are produced by the petitioner, we direct that the petitioner be retained at Jalgaon at his present posting till April, 2019 and he shall be transferred from May, 2019 to such other place as per the convenience of the respondents.

5. The writ petition is accordingly disposed of.
No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]