

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

WRIT PETITION NO. 463 OF 2019

Ravindra S/o. Khushal Gangurde Petitioner

Versus

The Regional Joint Commissioner of Agriculture
Nashik & Ors. Respondents

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Shri. Sushant C. Yeramwar, Advocate for the petitioner
Shri. A. R. Kale, AGP for respondent/State

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 13TH MARCH, 2019

ORAL ORDER:

1. The petitioner was working as Tracer at Parola. He has been transferred to Chalisgaon. The petitioner challenged the transfer order before the Tribunal. The Tribunal dismissed the Original Application. Aggrieved thereby, the present petition.

2. Shri. Yeramwar, learned counsel for the petitioner submits that, the family members of the petitioner are suffering from mental disorder. They are taking treatment at Dhule. As per the Government Resolution dt. 09.04.2018, if the members of the family of an

employee are suffering from mental illness, then the said employee has to be transferred at the place of his preference. The petitioner had given preference for transfer in Dhule district. First four preferences of transfer were at Dhule, however, the said aspect is not considered.

3. Shri. A. R. Kale, learned Assistant Government Pleader submits that, preferences given by the petitioner are considered. Considering the vacancies, the transfer has been made. The vacancies in other districts were much more. In Jalgaon, the vacancy was 75%. As such the petitioner is transferred in Jalgaon district, which was also one of the preference given by the petitioner.

4. We have considered the submissions.

5. The petitioner it appears that has certificate about the treatment taken by the family member of the petitioner at Dhule.

6. The petitioner had completed his tenure and was due for transfer. We may not go into the other merits as the Tribunal has considered the same. However, from the humanitarian point of view, in case vacancy exists the respondents may consider the case of the

petitioner for transfer in Dhule district during the general transfers to be effectuated in 2019.

7. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde