

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2876 OF 2019

Manohar s/o Kerba Suryawanshi

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. U.P. Giri, Advocate for Petitioner
Mrs. A.V. Gondhalekar, Additional Government Pleader
for Respondents/State

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

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. Mr. Giri, the learned Counsel for the petitioner submits that on 30th May, 2017, the respondent No. 3 issued transfer order and transferred the petitioner and respondent No. 6 at Renapur and Latur respectively. They resumed their duties as per the order of transfer. However, within 20 days, the transfer order was cancelled. The learned Counsel submits that the post on which the petitioners are transferred, are vacant posts. The petitioner and respondent No. 6 both are Craft Instructors, as such, can be considered for mutual transfer. The wife of the petitioner is also suffering from ailment. It is only after considering all these aspects, the order of transfer dated 30th May, 2017 was issued. That ought not to have been cancelled.

2. We have also heard the learned Additional Government Pleader.

3. The transfer of the petitioner and respondent No. 6 was mutual transfer. The same was cancelled on the ground that the transfer order was issued by mistake. The petitioner and respondent No. 6 though are Craft Instructors, but are on different trade. The respondent No.6 does not possess diploma in I.T.I. as such, is not qualified to teach subject of ICTSM.

4. The said transfer order is also passed one and half year back. The Tribunal has considered this aspect of the matter. In view of that, we are not inclined to interfere with the order of Tribunal.

5. The petitioner contends that his wife is suffering from ailment. The petitioner may make a request application with the respondent authorities and the respondent authorities may consider the said application on its own merits during the General Transfer, 2019.

6. The Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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