

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

WRIT PETITION NO. 7834 OF 2019

Sapna Gotiram Gaike

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Chaitanya V. Dharurkar, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 and 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 27TH JUNE, 2019.

FINAL ORDER :

. Mr. Dharurkar, the learned advocate for the petitioner submits that, at the time of seeking preferential transfer, present petitioner has never submitted any wrong information. The petitioner is under the treatment of a leading Neuro Physician. The certificate is issued by the Neurophysician on 28.06.2017 as well as 22.03.2019 to the effect that the petitioner is suffering from bipolar disorder that is brain hormone disorder. The petitioner consistently has to be with the family for support. The same is ailment of brain. The Chief Executive Officer erroneously came to the conclusion that the petitioner gave a wrong information. In fact certificates issued by the doctor were

not properly appreciated. The said certificates were also referred to the District Health Officer by the Chief Executive Officer and the District Health Officer committed a major mistake. According to the District Health Officer, the certificates were issued by Seth Nandlal Dhoot Hospital, whereas no such certificates were ever produced by the petitioner.

2. We can appreciate the anxiety of the petitioner. However, the petitioner has been issued with the punishment of stoppage of one increment cumulative. In view of Rule 13 and 14 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, the petitioner has remedy to assail the same before the Commissioner. The apprehension of the petitioner is that during the interregnum, the petitioner would be transferred as her name has been included for counselling round. If the order of the C. E. O. is set aside by the Commissioner, then certainly, the respondents will have to maintain the status quo ante. The Commissioner shall take into consideration the documents produced by the petitioner and in case the petitioner suffers from the ailment of brain, the Commissioner shall pass necessary order with regard to her post at the original place at Maliwada.

3. The Commissioner shall consider the case of the petitioner on priority basis. In case the appeal is filed before the Divisional

Commissioner by the petitioner, then the Commissioner shall pass necessary order. The Commissioner may also pass necessary interim orders as he thinks fit and necessary.

4. In the light of the above, the writ petition is disposed of. No costs.

5. The issue with regard to the challenge to the G. R. not providing preference to petitioner with psychiatric disorder is kept open.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19