

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

WRIT PETITION NO. 8636 OF 2018

Digambar Sitaram Gangadhare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Dr. Swapnil D. Tawshikar, Advocate for the Petitioner.

Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 and 2.

Shri Santosh S. Dambe, Advocate for the Respondent No. 3.

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

DATE : 22ND JANUARY, 2019.

FINAL ORDER :

. The petitioner is challenging the order of transfer.

2. We have heard Mr. Tawshikar, the learned advocate for the petitioner and Mr. Dambe, the learned advocate for the respondent No. 3.

3. We had heard the matter on the earlier date. The contention of the petitioner is that, he is suffering from cancer and the place where he is transferred is situated on the IIInd floor. It is difficult for him to climb the stairs. We had asked the learned counsel for the respondent No. 3 whether arrangement can be made. The

learned counsel for the respondent No. 3 informs that the petitioner is allowed to sit on the ground floor as per the request of the petitioner. The learned counsel submits that the petitioner was transferred after eleven years.

4. The learned counsel for the petitioner states that, there are two more vacancies available at other places.

5. As the order of transfer is effected after eleven years, we may not consider the case on merits.

6. However, considering medical problem exhibited by the petitioner, the petitioner may make representation with the respondents for accommodating at some other place, in case the vacancy exists.

7. In case such an application is made by the petitioner, the authority shall consider the same on its own merits, expeditiously and preferably within a period of six (06) weeks from the date of receipt of the application. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]