

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9028 OF 2018

SYED SARDAR SYED ABDULLAH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Gaikwad Ashok P.

AGP for Respondent No. 1: Mr. V. M. Kagane

Advocate for Respondent No. 2 : Mr. S. R. Bagal

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 25th JUNE, 2019

PER COURT:

1. The learned counsel for the petitioner submits that the petitioner is transferred on the administrative ground on 29.05.2018. According to the learned counsel, the petitioner was not liable for transfer as on the said date the petitioner had completed 53 years of age. The learned counsel further submits that as per Government Resolution dated 15.05.2014, the petitioner is exempted from transfer. The said aspect has not been considered.

2. The learned counsel further submits that in Aurangabad district no Centre Head was transferred, the same was position of the Hingoli District and in Jalna District only request transfers were accepted of the Centre Heads.

3. Mr. Bagal, learned counsel for the respondent submits that the petitioner is not exempted as per Government Resolution dated 15.05.2014. The petitioner is misreading the clauses.

4. It is fact, on the date the transfer order was issued, the petitioner has not completed 53 years of age, as such, Clause 3 of the Government Resolution dated 15.05.2014 would not apply. The petitioner was three months short for 53 years of age.

5. The exemptions are granted in Clause 3. The petitioner does not come within the ambit and purview of Clause 3.

6. The petitioner as such cannot be said to be

exempted from transfer. The said clause does not grant blanket protection. It is subject to the conditions therein.

7. Be that as it may, it is an administrative transfer. The petitioner has joined at the transferred place. At the time of next general transfers, the petitioner may make an application to the competent authority with regard to the positing which would be considered by the authority on its own merits at the time of next general transfers.

8. Writ Petition is disposed of accordingly. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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