

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

WRIT PETITION NO. 11900 OF 2018

Sangeeta Devidas Aghamkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shrikrishna B. Solanke, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 5.

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

DATE : 04TH MARCH, 2019.

FINAL ORDER :

. Mr. Solunke, the learned advocate for the petitioner submits that, the Tribunal failed to consider the case of the petitioner. After service of the order dated 03.05.2016, the petitioner applied for change of the place. Same was not attended and the letters dated 31.08.2016 and 03rd May, 2016 were received by the petitioner only in August, 2016. Even Civil Surgeon has testified the said fact, however, it is not considered. The learned counsel also relies on the Government Resolution dated 12.09.2016.

2. Mrs. Gondhalekar, the learned Additional Government

Pleader for respondents/State submits that, once the petitioner has refused to accept the promotion, she cannot be considered for three years.

3. It is not disputed that the order dated 31.08.2016 was served on the petitioner and the request of the petitioner for change of place was not considered. Even as per Government Resolution dated 12.09.2016 Clause 4, the petitioner cannot be considered upto 2019. She can be considered only in the year 2019.

4. The respondents may consider the case of the petitioner as per G. R. dated 12.09.2016 Clause 4 on its own merits. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / March. 19