

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.7022 OF 2019**

Mrs.Trupti Bajirao Borate ... Petitioner

Vs

State of Maharashtra and Ors. ... Respondents

Mr.A.Y.Sakhare, Senior Advocate I/b  
Mr.R.S.Mirpury for the Petitioner.

Mrs.A.A.Purav, AGP for State.

Mr.Kiran Upasani, Legal Advisor to  
Director General of Police, Maharashtra  
present.

Mr.Ganesh Barode, Junior Clerk, Pimpri-  
Chichwad Office present.

**CORAM :- S. C. DHARMADHIKARI &  
G.S.PATEL, JJ.**

**DATE :- JULY 4, 2019**

**P.C. :-**

1. Having heard both sides and perusing the writ petition and the annexures thereto so also our prior order, we do not think that we can agree with the petitioner's assertion that the impugned order of transfer is arbitrary or *mala fide*. It also does not contravene any mandatory provision of law.

2. The order of transfer is issued in public interest and for administrative exigencies. The petitioner may have her version and she would say that there is now a distinction between the

Pune Commissionerate and Pimpri-Chinchwad Commissionerte and there are seven posts which are still vacant and she can be accommodated there. We do not think that any directions can be issued to this effect.

3. In the earlier order, we placed the matter today only to explore that possibility. However, Mrs.Purav, the learned AGP, on instructions, from the Additional Director General of Police (Establishment) says that it is not possible to accommodate the petitioner either at Pune or in the Pimpri Chinchwad Commissionerate. Her services are required by the Konkan Range and particularly, the office of the Special Inspector General of Police of that Range.

4. After this was reported to us, we inquired from Mrs.Purav, learned AGP as to whether the petitioner can be accommodated within a short travelling distance from Pune so that in the event, there is any family emergency or exigency, she can travel to Pune where her husband is residing.

5. On instructions, it is stated that the petitioner can report in the office of the Special Inspector General of Police, Konkan Range, Navi Mumbai and she shall report there on or before 10<sup>th</sup> July, 2019. She will be accommodated in this office at Navi

Mumbai. The petitioner's apprehension, therefore, that she may be posted in the whole Konkan Range anywhere and upto Sawantwadi is taken care of.

6. We are clear in our mind that the order of the Maharashtra Administrative Tribunal refusing to stay the transfer under challenge does not suffer from perversity or serious legal infirmity, warranting our interference under Article 226 of the Constitution of India.

7. Barring the modification about the date and place of posting, we do not see any reason to interfere, therefore, with the order of transfer as well. Accepting the modification as now suggested and directing that such an order which would denote the petitioner's changed posting, on transfer, shall be issued to her by 8<sup>th</sup> July, 2019, we dispose of this petition.

8. The communication dated 4<sup>th</sup> July, 2019 by the Additional Director General of Police (Establishment) is taken on record and marked as 'X' for identification.

9. Needless to clarify that the order under challenge is an interim order. While upholding that interim order, we are not expressing any opinion on the merits of the rival contentions. Therefore, the Tribunal's interim order nor this order shall in any

manner influence the outcome of the Original Application on merits. It shall be decided in accordance with law.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)