

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4844 OF 2020**

AVINASH S/O BALASAHEB SAKHARE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA & ORS. ..RESPONDENTS

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Mr. D. B. Pawar-Pathrekar, Advocate for the
Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent-State.

Mr. M. N. Nawandar, Advocate for the Respondent
Nos.2 and 3.

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**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 23rd JULY, 2020.

PER COURT:-

1. The petitioner is challenging the order of transfer. The contention of the petitioner is that the order of transfer is against the Government policy and the Resolution prohibiting the transfers during the pandemic of COVID-19.

2. According to the learned counsel for the petitioner when the order of transfer was issued, the policy of the Government was to stall the transfers. The respondents in defiance of such policy and the Government Resolution transferred the petitioner. The same is illegal. In fact, the false allegations are made against the petitioner. The learned counsel submits that in this pandemic situation it is not possible to get accommodation at Badnapur.

3. We have heard Mr. Nawandar, learned counsel for respondents and he submits that there were many allegations against the petitioner about his behaviour and other aspects.

4. Under Government Resolution dated 04.07.2020 15% staff is permitted to be transferred.

5. Be that as it may, considering the allegations and counter allegation made and the fact that the transfer is incidence of service and further that the petitioner was working at the original place since long, we are not inclined to interfere with the order of transfer.

6. The extraordinary circumstance created because of COVID-19 pandemic also needs to be considered. We cannot be oblivious of the pandemic situation that has gripped entire nation and Maharashtra is worst affected.

7. Considering the pandemic situation and the fact that the transfer order is issued on 20.06.2017, we grant further ten (10) days time to the petitioner to join at the transferred place.

8. Writ Petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE