

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

967 WRIT PETITION NO.10465 OF 2019

SANJAY CHANDBA GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr Kedar Shrimant R
AGP for Respondents State: Mr V S Badakh
Advocate for Respondent No.4 : Mr P D Suryawanshi
Advocate for Respondent No.3 : Ms Sharda P Chate

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 5th February, 2020

ORDER:

1. The petitioner is challenging the transfer of respondent No.4. The Commissioner also negated the claim of the petitioner. Mr. Keda, the learned Advocate submits that the petitioner is senior to respondent no.4. The petitioner is working at Majalgaon since the year 2008, whereas respondent no.4 is working at Panchayat Samiti Dharur since the year 2016. The petitioner has to be considered on priority basis. The petitioner is working for more than 11 years at the same place. He is entitled for transfer.
2. Learned Advocate for the Zilla Parishad submits that the petitioner is at Serial No.5 and respondent No.4 is at serial No.1 in the seniority list for transfer to be effected for the year 2019.
3. We have heard the learned counsel for respondent no.4 also. It appears that respondent no.4 is from physically handicapped category.
4. It is not disputed by the learned Advocate that physically

handicapped person is on priority list. Respondent no.4 has completed three years at the said place. From Panchayat Samiti Dharur respondent No.4 is transferred at Education Department, Department, Beed i.e. District place.

5. In the light of that we do not see any error committed by the authority. The petitioner can seek transfer at the time of general transfer for the year 2020-21, which request certainly would be considered taking into account the seniority of the petitioner.

6. Writ petition accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC