

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 WRIT PETITION NO.10714 OF 2019

DNYANESHWAR SHANKARRAO TIDKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr Thombre S. S.
AGP for Respondents State: Mrs V N Patil Jadhav
Advocate for Respondent No.2 : Mr Sachin Deshmukh

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

DATE : 13th February, 2020

ORDER:

1. The petitioner challenges the order dated 21.08.2018 issued by the respondents.
2. Mr. Thombre, learned counsel for the petitioner submits that the petitioner was appointed from N.T. (D) category with Zilla Parishad Amravati. In the year 2007, Zilla Parishad, Amravati issued letter to Zilla Paishad, Latur seeking clarification. The transfer that was effectuated of the petitioner from Zilla Parishad Amravati to Zilla Parishad Latur was on the basis of no objection letter of the year 2007, and it was pursuant to the policy of the year 2017.
3. According to the respondents, letter dated 11th July, 2018 of the State Government to Zilla Parishad Latur is manipulated. According to the petitioner he did not have any access to the same. The petitioner is unaware of the issuance of the said letter. It is as per the policy, the petitioner is transferred. The petitioner has never misrepresented. In all correspondence the petitioner is referred to be from N.T. (D) category. The

transfer order is cancelled. The same is illegal. It is based on erroneous fact. The policy of 2017 was taken in to consideration while transferring the petitioner from Amravati to Latur. The petitioner cannot be held responsible for the act of another person, if at all the same is committed by the third person. The petitioner has not indulged in any act as is alleged in the letter dated 14th August, 2018.

4. We have heard AGP and Mr. Deshpande learned counsel.

5. It appears that criminal case is pending against the petitioner with regard to the documents in question. It would be inappropriate to offer comments upon the same as that would not be in the interest of either of the parties.

6. Under letter dated 14th August, 2018 the State has observed that the letter dated 11.07.2018 is not issued by the State Government, it is forged and same is cancelled. However, in this matter, we are not commenting anything upon the said letter as it may preempt decision of the criminal case. Suffice it to say, at present it would be inappropriate to interfere with the matter considering the pendency of the criminal case and right of the parties in the criminal case.

7. In light of above, writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC