

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

901 CONT. PETITION NO.799 OF 2019

IN

WRIT PETITION NO.5705/2018

RAVINDRA BHAURAO RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr Talhar Ajay G.

AGP for Respondents State: Mr S S Dande

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

DATE : 8th January, 2020

ORDER:

1. Heard Mr Talhar, learned counsel for the petitioner.
2. Grievance of the petitioner is, though by order dated 29.01.2019, the Division Bench of this Court directed the respondents to take decision on his request for transfer in general transfer for the year 2019, no heed is paid to the representation submitted to the authority, as such, the authority is acting in defiance of the order of this Court is the submission.
3. On perusal of the order of this Court and more particularly, on perusal of the representation submitted by the petitioner to the authority, we are of a clear opinion that by misreading the order of this Court, the petitioner had submitted representation to the authority. Perusal of the representation shows that petitioner is seeking orders from the authority on the application suiting his purpose when there was no direction to that effect to the authorities by this Court. When

this Court by order dated 29.01.2019 directed the respondents to consider the request of the petitioner for transfer and this request was to be made by way of representation, the petitioner had approached the authority with a representation stating in the representation that there is an order passed by this Court directing the authority to effect transfer of the petitioner in Jalgaon District either as Taluka Health Officer or Health officer attached to the rural hospital. Thus, the prayer made in the representation was beyond the scope of the order of this Court. Finding this fact situation, we see no reason to entertain the present contempt petition being devoid of merits.

4. At this stage, Mr. Talhar learned counsel appearing for the petitioner admits that the mistake is committed by the petitioner by misreading the order of this Court and then submits that opportunity be granted to the petitioner to correct the mistake by submitting proper representation to the authority. The petitioner may submit proper representation to the authority. In case such representation is submitted to the authority, needless to state that the authority to consider the application on its own merits and pass appropriate orders on the representation. With this direction, the contempt petition disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC