

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

960 WRIT PETITION NO.4898 OF 2021

**SHIVAJI MALHARI WARKAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Tripathi Manish P.
AGP for Respondents/State: Mr. P. N. Kutti
Advocate for Respondent No.3: Mr. S. B. Pulkundwar

...

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

DATE: 18th MARCH, 2021

PER COURT:

1. Mr. Tripathi, learned Counsel for the petitioner submits that the petitioner is transferred at a distance of 125 Kms. The petitioner is physically handicapped and as per the policy he cannot be transferred. Moreover, the wife of the petitioner is also Assistant Teacher in aided school at Nanded. The petitioner is also entitled for the benefit of couple convenience. All these aspects are not considered. The petitioner also requested that the petitioner be posted at the nearby place.

2. Mr. Pulkundwar, learned Counsel appears for respondent no. 3 and submits that the petitioner may approach the Commissioner. The appeal is provided before the Commissioner as per the Government Resolution dated 15.05.2014.

3. The petitioner has also filed representation before the Divisional Commissioner, Aurangabad Division, Aurangabad (*Page No. 38*). The Divisional Commissioner shall consider the said representation as an appeal and take decision upon it in accordance with law, expeditiously, preferably by the end of May-2021.

4. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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