

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

WRIT PETITION NO. 5772 OF 2021

Ajitkumar Laxman Dhule .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ameya N. Sabnis, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 and 2.

Mrs. Charuta S. Deshmukh, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 05TH OCTOBER, 2021.

FINAL ORDER :

. Mr. Sabanis, the learned advocate for the petitioner submits that, the petitioner in a span of two years is transferred three times. On 18.09.2019 the petitioner is transferred from Shirdi to Vambori. On 23.09.2019, the petitioner was transferred from Vambori to Bhingar. On 26.05.2019, the petitioner is transferred from Bhingar to Parner and under the impugned transfer order, the petitioner is transferred from Parner to Shirdi. The learned counsel submits that, apart from the fact that, the transfer is malafide, the same is mid-term and mid-tenure transfer. Rule 41 of the Maharashtra Civil Services Rules does not permit mid-term transfer.

2. The learned counsel for respondent Nos. 3 and 4 submits

that, the petitioner is transferred from Parner to Shirdi on his request. It is case of request transfer. So question of mid-term transfer would not arise.

3. According to the learned counsel for the petitioner, request of the petitioner was to transfer the petitioner to Bhingar from Parner and not to Shirdi.

4. Rule 41(2) of the M. E. P. S. Rules provides that save and exceptional case and unless reasons are recorded in writing by the management, transfer shall not be effected in the middle of the term. The order of transfer is dated 25.01.2021. The order of transfer states that, the transfer is upon request of the petitioner. The petitioner had never made request for transfer at Shirdi. In case the respondents does not want to transfer the petitioner at Bhingar, then ought not to have issued transfer order mid-term.

5. In the light of that, the impugned transfer order is quashed and set aside. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]