

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

1010 WRIT PETITION NO. 9421 OF 2021

Dr. Suresh Mallikarjun Betkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Suraj V. Gundre, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents/State.

1011 WRIT PETITION NO. 9422 OF 2021

Dr. Arun Sheshkumar Shirurkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Suraj V. Gundre, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents/State.

1012 WRIT PETITION NO. 9423 OF 2021

Dr. Pratap Pundlik Ege .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Suraj V. Gundre, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents/State.

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

DATED : 02nd September, 2021.

PER COURT:-

. We have heard Mr. Gundre, learned counsel for the petitioners. The petitioners have filed Original Applications before the Tribunal challenging the orders of transfer. The Tribunal rejected the applications for the interim orders. Aggrieved thereby, the present petitions.

2. Mr. Gundre, learned counsel submits that prior to transfers counselling was not conducted of the petitioners and without conducting the counselling, they are transferred. The learned counsel submits that said transfers are not in consonance with the Government Resolution dated 09.04.2018. The Government Resolution dated 09.04.2018 mandates that whenever there are general transfers, the transfers are to be effectuated by adhering the counselling process.

3. The learned A.G.P. submits that the petitioners had completed their tenure on the post, as such were entitled to be transferred. According to the learned A.G.P. as per the Government Resolution dated 09.04.2018, if the petitioners are transferred on vacant posts, counselling is not necessary.

4. According to Mr. Gundre, learned counsel for the petitioners, the said clause that if the employees are transferred on vacant posts,

counselling is not necessary, is applicable only if, it is a case of mid-term or mid-tenure transfer.

5. The Tribunal has considered that the petitioners were already relieved. The name of the applicants were shown in the list under consideration. The Tribunal, prima facie, observed that the applicants had lost the right of counselling for whatever reason. The reasons are given.

6. The Tribunal has kept the matter for hearing on 03.09.2021. The petitioners may agitate their submissions before the Tribunal. It is for the petitioners to canvass their submissions about the applicability of the clause of counselling or otherwise. The petitioners may request the Tribunal for expeditious disposal of the Original Applications.

7. With these observations, the writ petitions are disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.