

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.322 OF 2021
IN
WRIT PETITION NO.329 OF 2020**

Dr.Pramod J.Jaiswal .. Applicant

In the matter between:

Dr.Pramod J.Jaiswal .. Petitioner

Vs.

The Union of India & Ors. .. Respondents

Mr.Sandeep Marne i/b. Ms.Priyanka Mahendiratta for
Petitioner/ Applicant.

Mr.Ashok D.Shetty with Mr.Niranjan P. Shimpi for Respondent
no.1.

.....

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- FEBRUARY 25, 2021.

PC :

1. Writ Petition No.329 of 2020 was disposed of by a co-ordinate bench of this Court by an order dated January 16, 2020. The order transferring the petitioner to Nagpur, which was challenged before the Central Administrative Tribunal and upheld by the order dated December 20, 2019 of the Tribunal, was not interfered with by the co-ordinate bench; however considering the fact that the petitioner's daughter was due to take the Higher Secondary Certificate Examination in 2021, the bench directed the respondents to retain the petitioner as Chief Medical Officer at Pune till March 14, 2021 and directed him to

report at Nagpur, in terms of the transfer order, on the following day.

2. This interim application is at the instance of the petitioner in Writ Petition No.329 of 2020 (hereafter “the applicant”). It is averred in paragraph 3 of the application by the applicant that because of the pandemic, the 12th Standard examination of his daughter has been deferred and now it is scheduled to be conducted between April 23, 2021 and May 29, 2021. Accordingly, the applicant has prayed for direction on the respondents to retain him at Pune up to July 30, 2021 and to allow him joining at Nagpur on August 01, 2021.

3. We have heard Mr.Marne, learned advocate for the applicant and Mr.Shetty, learned advocate for the respondents. We have also perused the averments made by the applicant. It is not in dispute that because of the pandemic, the Higher Secondary Certificate Examination has been deferred. Since the co-ordinate bench directed the respondents to retain the applicant till March 14, 2021 at Pune considering the schedule of examinations then fixed and that the schedule has now been re-fixed and deferred as noticed above, we are of the considered opinion that interest of justice would be sufficiently served if the respondents are directed to retain the applicant at Pune till June 10, 2021 and allow him to join at Nagpur on and from June 11, 2021. It is ordered accordingly.

4. Needless to observe, this order has been passed in the special facts and circumstances of the case and is not to be treated as a precedent in future cases.

5. We also make it clear that no further extension shall be granted by the Court and the applicant shall positively join at Nagpur on June 11, 2021.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

Digitally
Signed by
Prajakta S.
Vartak
Date:
2021.02.25
17:18:52
+0530