

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2587/2020

Deepak Ashok Mhaske

...Versus...

Divisional Commissioner, Amravati and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.A.Chaudhari, Advocate for Petitioner
Miss. T.Khan, AGP for Respondent No.1
Smt. Vaishali Khadekar, Advocate for Respondent No.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/09/2021

Heard the learned counsels appearing for the parties.

2] The petition challenges the order dated 30.4.2020 passed by Respondent No.1. The petitioner who is serving as a Health Supervisor at Zilla Parishad, Latur, has put in a request for transfer to his native place at Buldhana, which was rejected by Respondent No.2, by a communication dated 29.5.2019, being aggrieved by which the petitioner approached Respondent No.1 by way of an appeal under the Maharashtra Zilla Parishad Services (Discipline and Appeal) Rules, 1964.

3] The Respondent No.1 by the impugned order dated 30.4.2020, partly allowed the appeal and directed Respondent No. 2, that in case a vacancy arose in future for the post reserved for OBC category, then the claim of the petitioner would be considered.

4] This court by order dated 22.10.2020, had directed the learned AGP to take specific instructions with regard to the manner in which the petitioner could be transferred/adjusted in an available vacancy in Zilla Parishad, Buldhana, if possible in the scenario then availing and had directed Respondent No. 2 to keep one post from OBC category for Health Supervisor in Zilla Parishad, Buldhna, vacant.

5] It has subsequently been brought on record that the post of Health Supervisor in Zilla Parishad, Buldhana, for OBC category had been directed to be filled in by direct recruitment in terms of G.R. dated 12.2.2019, in view of which advertisement was already issued on 4.3.2019, in pursuance to which applications are already received and the written examination are stated to be held on 16th and 17th October, 2021.

6] Considering the above position, there is no

vacancy available as of now with Respondent No. 2, in which the petitioner can be accommodated. That being the position, I do not find any reason to interfere with the order passed by Respondent No.1, dated 30.4.2020, which holds that as and when the vacancy would arise, the petitioner would be accommodated. The petition is, therefore, dismissed.

JUDGE

rvjalit