

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7476 OF 2021

SUNIL SAHEBRAO SARODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.V.Barde, Advocate for the petitioner.
Mr.P.S.Patil, AGP for respondent Nos. 1 to 3.
Mr.P.P.Kothari, Advocate for respondent Nos. 4 and 5.
Mr.S.T.Chalikwar, Advocate for respondent No.6

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 19, 2022

PER COURT :

1. By this petition, the petitioner invokes the writ jurisdiction of this Court and prays for quashing and setting aside the communication dated 08.04.2021 issued by respondent No.3, by which his request for transfer has been rejected.

2. We have considered the submissions of the learned Advocates on behalf of the appearing parties and have gone through the petition paper book with their assistance.

3. The basis for seeking transfer is that the petitioner's wife suffers from medical ailments and, therefore, the petitioner prays for a transfer from Tal.Rahuri to Tal.Rahata which are 40 kms apart.

4. After considering the strenuous submissions of the learned Advocate for the petitioner, we have perused the recommendation made by the CEO, ZP, Ahmednagar at page No.65 which indicates the case of the petitioner. His wife is said to be suffering from migraine (split headache). We are of the view that this could hardly be a reason for entertaining a transfer on request on the ground that the petitioner necessarily needs to be with his wife considering her ailment. In fact, migraine cannot be termed as a disease or a co-morbidity.

5. In view of the above, we do not find that the impugned order could be termed as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)