

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO.5875 OF 2022

NITESH SHIVAJI INGLE
VERSUS
THE DIVISIONAL COMMISSIONER AND OTHERS

...
Advocate for Petitioner : Mr. Gangakhedkar Shailendra S.
AGP for the respondent – State : Mr. K.B. Jadhavar
...

CORAM : MANGESH S. PATIL, J.

DATE : 23 JUNE 2022

PC :

Heard.

2. A disqualification proceeding initiated against the petitioner that was pending before the Additional Collector for few dates, was apparently transferred to the Collector by putting up a office note in the *roznama*. The petitioner thereafter approached the Divisional Commissioner seeking transfer of that enquiry to some other Collector. The grievance is now being made that even without giving an opportunity of being heard, the Commissioner has rejected the petitioner's application.

3. An attempt is being made on behalf of the respondent, by the learned AGP to refer to the government resolution dated 24-04-2017 to justify the transfer of the matter from Additional Collector to the Collector. However, that has not been referred to by the learned

Divisional Commissioner in the order under challenge in this writ petition. Independently, there is no material to demonstrate that any opportunity of being heard was extended to the petitioner before passing the order by the Divisional Commissioner.

4. In the circumstances, it would be appropriate that the impugned order is quashed and set aside and the learned Commissioner is made to decide the application of the petitioner afresh after hearing him.

5. Writ petition is disposed of as under :

I) The impugned order is quashed and set aside.

II) The Divisional Commissioner shall decide the petitioner's application afresh by extending opportunity to him of being heard.

III) The petitioner shall appear before the Divisional Commissioner on 27 June 2022 and there shall be no need for the Divisional Commissioner to issue any notice to him.

IV) Interim order shall continue till the Divisional Commissioner decides the matter.

[MANGESH S. PATIL]
JUDGE

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