

(1)

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

915 WRIT PETITION NO.6577 OF 2022
WITH CA/9420/2022

**SURYAKANT DAMODAR PAKHARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr S. G. Munde, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 28th June, 2022

PER COURT:

1. By this petition, the petitioners have put forth prayer clauses (B) and (C) , which read as under :-

B) By issuing Writ of Mandamus or any other appropriate Writ, Order or directions in the like nature, the Respondents may kindly be ordered to give fresh postings to the petitioners on the vacant post which is available, as per the Govt. Circular Dt. 07/07/2017.

OR

C) By issuing Writ of Certiorari or any other appropriate Writ, Order or directions in like nature, it may kindly be quash and set aside the impugned order dated 18/04/2022 issued by the Respondent Deputy Commissioner Divisional Commissioner Office Aurangabad.”

(2)

2. We have considered the extensive submissions of the learned Advocate for the petitioners. From the record, we find that every now and then, these petitioners have approached this Court, being dissatisfied with their location. The impugned order dated 18/04/2022, clearly indicates that earlier also, they were transferred by considering their choices on 17/06/2018. It was clearly ruled that the Government Circular dated 07/07/2017 shall not be applicable to them. Their transfers were through the N.I.C. Yet, the petitioners again moved an application on 17/06/2018, claiming that the places where they have been posted, were uncomfortable to them and hence, they wanted a repatriation to the Latur Zilla Parishad. Even thereafter, there were counseling sessions and in such counseling sessions, the petitioners were posted at places, which are now impugned in this petition.

3. Considering the above, we do not find that, this is a fit case to exercise our discretion.

4. The learned Advocate for the petitioners prays that the petitioners may be permitted to participate in the future transfers rounds, if eligible and by following the due procedure laid down in law.

(3)

5. This petition is disposed off.

6. Since such a request has been made before us, we grant such liberty as prayed, provided such a request fits within the scheme of the law. Needless to state, such a request would be considered in the light of the Government Resolution dated 07/04/2021.

7. Pending civil application does not survive and the same stands disposed off.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk