

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

WRIT PETITION NO.5595 OF 2023

**SUJATA SAHEBRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...

Advocate for Petitioner : Mr. Santosh Sampatrao Jadhavar
AGP for Respondent No.1: Mrs. G.L. Deshpande.
Advocate for respondent Nos. 2 to 4 : Mr. Vaishnav Deshmukh h/f. Mr.
S.S. Tope, Advocate.

**CORAM : S.G. CHAPALGAONKAR, J.
VACATION COURT.**

DATE : 19th May, 2023

P.C.:-

Heard Mr. Santosh Jadhavar, learned counsel for the petitioner, Mrs. Geeta Deshpande for respondent No.1 and Mr. Deshmukh for respondent Nos. 2 to 4.

2. After making submissions on merit on behalf of the petitioner, the respondents have raised an objection that the petitioner has alternate remedy of filing an appeal before the Divisional Commissioner, challenging the order of transfer.

3. Faced with the situation, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to approach before the Divisional Commissioner by filing an appeal within a period of 7 days.

However, till then he may be protected. In that view of the matter, the petitioner is permitted to withdraw the petition with liberty as stated above. In case such an appeal is filed within 7 days, the Divisional Commissioner shall consider the same on its merits and decide the same in accordance with law, within a period of four weeks thereafter.

4. Till the date of filing an appeal, the petitioner shall not be relieved in pursuance of the transfer order. The petitioner shall be at liberty to make an application for grant of interim relief before the Appellate Authority. The appellate authority may pass appropriate order on such application, considering the merits of the matter.

5. With aforesaid directions, writ petition stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-