

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

WRIT PETITION NO. 8249 OF 2023

**THE STATE OF MAHARASHTRA
VERSUS
MOHAMMAD RAZA KHAN**

...

AGP for Petitioner/State : Mr. A. S. Shinde
Advocate for Respondent No.1 : Senior Advocate Mr. V. D. Sapkal i/by
Mr. S.R. Sapkal

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 17 JULY 2023.

PER COURT :

Heard the learned AGP for the petitioner and the learned Senior Advocate for respondent no.1.

1. The State is taking exception to the order passed by the Maharashtra Administrative Tribunal, bench at Aurangabad in the respondent's original application no.1112/2022, whereby he has been challenging the order of his transfer, which according to him, has been passed illegally at the instance of the recommendation of the learned Minister.

2. By the impugned order, the Tribunal has granted stay to the operation of the transfer order as an interim relief and has expressly

mentioned that the original application would be heard finally at the stage of admission.

3. We are of the considered view that instead of this Court making any comment, which would be relevant even for the final adjudication of the original application, as is being submitted by both the sides, it would be appropriate if we direct the Tribunal to decide the original application finally on its own merits.

4. In the light of above, we dispose of the writ petition by requesting the Tribunal to decide the original application as expeditiously as possible on its own merits.

5. The parties shall complete the pleadings within four weeks from today.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb...