

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO. 9571 OF 2018

Dr. Sudhir Vithal Madhekar

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Harshad M. Inamdar for the Petitioner

Mr. M. M. Pabale, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : FEBRUARY 16, 2023

P.C.

1. The grievance of the Petitioner appears to be the request of the Petitioner for transfer to Mumbai is not considered, whereas, the request of Respondent No.2 for transfer is accepted.

2. The Petitioner approached the Tribunal. The Tribunal did not entertain the original Application filed by the Petitioner observing that the Petitioner's request for posting made by him is still under consideration and there is nothing on record filed by the Petitioner that his request is rejected.

3. The Petitioner also refers to the observations made by this Court in earlier Writ Petition No.4431 of 2013 under judgment dated

14th August 2014. The learned Counsel for the Petitioner submits that it is only because Respondent No.2 is more influential and enjoys political patronage, the request of Respondent No.2 is always considered. The Petitioner has medical issues and as such, he has requested for transfer to Mumbai. Same is not considered nor the cognizance is taken of the Petitioner's request.

4. It is more than five years, the petition is pending here. The Petitioner had approached the Tribunal in the year 2017. Almost six years have lapsed. The Petitioner is serving at the Government Medical College and Hospital at Aurangabad. The Petitioner has completed about six years at Aurangabad. The Petitioner would make a representation to the Government with regard to his request for transfer at Mumbai. The Respondents authority may consider the said request of the Petitioner on its own merits and in accordance with law and policy, if such Application is made by the Petitioner.

5. With these observations, the Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)