



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3228 OF 2024

Chhaya Jaynarayan Lahiwal

VERSUS

The State Of Maharashtra Through
Its Principal Secretary And Other

...

Mr. A. B. Dhongade h/f Mr. M. L. Muthal, Advocate for
the Petitioner

Mr. D. R. Korade, AGP for Respondents

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 27, 2024

PER COURT :

1. Having considered the submissions of the learned Advocates for quite sometime and having perused the Petition paper book, we find that the record clearly reveals that the Petitioner succeeded in dislodging a co-employee, namely, Amol R. Bare and occupy his position in order to get a convenient posting near her town. Her husband is employed in Chhatrapati Sambhajinagar. The record also reveals that Shri. Bare was not eligible for transfer, was not willing to be transferred and in the counseling sessions, had clearly stated that he should not be unnecessarily transferred. The record reveals that for

some unknown reasons, Shri. Bare was transferred and his place, which was most convenient for the Petitioner, was made available to the Petitioner. Subsequently, the Committee constituted to look into such irregularities have expressed a view that such transfers should be cancelled. This resulted in cancellation of such transfer and the Petitioner was accordingly posted at a place as per the decision of the Zilla Parishad.

2. In such circumstances, we do not find that a *Writ of Mandamus* could be issued to the third Respondent to reconsider the decision of re-transferring the Petitioner.

3. This Writ Petition, being devoid of merit, is dismissed.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)