



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

**941 REVIEW APPLICATION (CIVIL) NO. 42 OF 2024
IN WP/2246/2024**

**NAJIR YUSUF SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Shri Sambhaji G. Munde, Advocate for the Applicants.
Shri V.M. Kagne, AGP for Respondent Nos.1 and 2/State.
Ms.Kavita S. Bhale, Advocate for Respondent Nos.5 and 6.

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

DATE :- 12th April, 2024

Per Court :-

1. The learned Advocate for the Review Applicants/ Petitioners has issued the 'Good Ground' Certificate certifying that the grounds raised in the Review Application are good grounds for review.

2. By a short order dated 28.02.2024, we had recorded that Petitioner No.1 has undergone a coronary angioplasty. Though Petitioner No.1 tried to convince us that he had undergone a grave surgery, there was neither a coronary bypass

surgery, nor a cardiovascular surgery. The Petitioners were agreeable, hence, we passed the following order to redress their grievance:-

“3. *The learned Advocate for the Respondent/ Zilla Parishad, Ahmednagar, vehemently submits that, there is no prayer for a transfer on couple convenience. However, she graciously submits that, if the Petitioners tender an online application in the General Transfer season for seeking transfer on couple convenience ground, such application would be considered strictly in accordance with the Rules and policies applicable, and considering the practicability and the availability of vacancies.*”

3. The learned Advocate for the Petitioners canvassed before us that angioplasty indicates a grave and serious illness. A human being would never be normal after angioplasty. Once a patient, he would continue to be patient. Coronary angioplasty is branded as being akin to an open heart surgery.

4. We find that Chhatrapati Sambhajanagar has a Government Medical College and Hospital with a super specialty wing. There are at least six super specialty private hospitals in Chhatrapati Sambhajanagar. Coronary angioplasty procedures are conducted routinely in cath labs in thousands and there are

routine bypass surgeries in various hospitals at Chhatrapati Sambhajinagar.

5. Considering the above, we do not find any error committed in the directions set out in paragraph 3 reproduced above. In fact, we have redressed the grievance of the Petitioners by permitting them to tender online applications in the general transfer season. **This Review Application** filed by the Petitioners is wholly misconceived and is, therefore, **dismissed** with costs of Rs.50,000/- each.

5. At this juncture, the learned Advocate for the Petitioners prays that costs be reduced.

6. As such, costs are reduced to Rs.5000/- each. By consent of the parties, costs of Rs.5000/- each, be deposited with the Advocates' Association of Bombay High Court, Bench at Aurangabad, and the receipts of such deposit be produced before the concerned Chief Executive Officers of the Zilla Parishad, on or before 30.04.2024.

7. If the Petitioners fail to produce the receipts as directed above, the concerned Chief Executive Officers would

recover the amount of costs of Rs.5000/- from the salary of each of the Petitioners and deposit the same with the Advocates' Association of Bombay High Court, Bench at Aurangabad.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)