



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

Writ Petition No. 11916 Of 2024

Somnath Bhausahab Shinde,
Age : 43 years, Occ. Talathi,
R/o : Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar.

...Petitioner

Versus

1. The State of Maharashtra,
Trough Department of Revenue,
Mantralaya, Mumbai-32.
2. The Collector, Ahmednagar.
Collector Office, Ahmednagar.
3. The Resident Deputy Collector,
Collector Office, Ahmednagar.

...Respondents

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Mr. Sanket S. Kulkarni, Advocate for the Petitioner.

Mr. B.M. Dhanure, AGP for Respondents/State.

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

DATE : 23 OCTOBER 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard Mr. Sanket S. Kulkarni, learned Counsel for the petitioner and Mr. B.M. Dhanure, learned AGP for respondents.

2. Being aggrieved by judgment and order dated 20.09.2024 passed by the learned Member of Maharashtra Administrative Tribunal, Aurangabad, present petition is filed. The petitioner

had challenged his order of transfer dated 15.03.2024 by way of Original Application No.332/2024 which is rejected by the impugned judgment and order.

3. Learned Counsel for the petitioner submits that impugned judgment is unsustainable because no objective scrutiny has been made by the learned Member of the Tribunal. The case of the petitioner was different than those of other applicants in O.A. Nos.319, 320, 321, 322, 323, 341 & 342 of 2024. The impugned judgment is non-speaking and liable to be quashed and set aside. It is further submitted that order of transfer which was challenged before the Tribunal was mid-term one and it was politically motivated. It is further submitted that it was against couple convenience and it was passed without extending opportunity to the petitioner. The order of transfer was thus totally unsustainable.

4. Learned AGP supports impugned judgment and order. He would point out that similarly placed persons who were also transferred, had approached Tribunal by filing separate applications. Their applications were rejected by common order dated 09.08.2024 by the learned Member of the Tribunal. Being aggrieved, they had preferred writ petitions in the High Court. By common judgment and order dated 06.09.2024, all the petitions were dismissed. The common judgment and order passed by the coordinate bench is placed on record. It is

submitted by learned AGP that the reasoning assigned by the coordinate bench, squarely covers the present case also and there is no merit in the petition.

5. The petitioner was transferred to Chittali, Tq. Rahata, Dist. Ahmednagar on 18.08.2020. He was working at Tahsil Office, Chittali. His wife is rendering services in Zilla Parishad School at Village Devkar Vasti. The petitioner was transferred Chittali Talathi, Tq. Rahata to Dhurji Talathi, Tq. Shrigonda, Dist. Ahmednagar vide 15.03.2024. The order was assailed by him before the Tribunal. It reveals from the record that the Civil Services Board was constituted for effecting the midterm transfers of the Talathees against whom there were complaints and allegations. An inquiry was conducted against 14 such employees in a meeting dated 16.02.2024. The delinquent Talathees were recommended to be transferred midterm by the board. Such a report was submitted by Collector to the Commissioner and which was approved. Thereafter the transfer orders were issued to them.

6. Being aggrieved by the orders of transfer, Original Application Nos.319, 320, 321, 322, 323, 341 & 342 of 2024 were filed before the Tribunal. By final judgment and order dated 09.08.2024, applications were dismissed. Being aggrieved, writ petitions were filed by them before the High Court. By common judgment and order dated 06.09.2024, all the petitions were dismissed. However, they were granted liberty to join the

transferred place after Diwali holidays.

7. We have gone through the impugned judgment and order. It appears that objective scrutiny of case of the petitioner has not been made by learned Member of the Tribunal. No specific reasons have been assigned for rejecting the application. Only because of the common judgment and order dated 06.09.2024 passed in the matters of the employees who were similarly circumstanced by High Court, application was rejected. Under normal course of circumstances, we would have accepted the submission of learned Counsel for the petitioner and remanded the matter to the Tribunal. However, we find that in the present case, it would be merely formality to relegate the petitioner to the Tribunal.

8. The facts and circumstances of the present case are identical with those applicants who suffered adjudication by Tribunal and by common judgment and order dated 06.09.2024 passed by High Court in various petitions. The transfer order in the present case refers to the minutes of the meeting of Civil Services Board held on 16.02.2024 and the recommendations made by it. It further refers to correspondence dated 01.03.2024 and 12.03.2024. We find that the board considered the case of the petitioner in its meeting dated 16.02.2024. There were allegations of absenteeism, unsatisfactory performance, misconduct and delay in reporting the duty etc. After objective

scrutiny, he was recommended to be transferred. Under similar circumstances, other Talatnees were also transferred.

9. The coordinate bench while deciding writ petitions by common judgment and order dated 06.09.2024, has elaborately considered all aspects of the matter including sustainability of the midterm transfer. Thereafter by a reasoned judgment, the writ petitions were dismissed, confirming orders passed by the Tribunal. We do not find that some different view is possible in the present matter. Because of the peculiarity of the circumstances, we are not inclined to remand the matter to the Tribunal. We are of the considered view, it would be mere technicality to relegate the petitioner to the Tribunal. We adopt same reasons and course as is done by the coordinate bench in common judgment and order dated 06.09.2024.

10. We find no merit in the petition. The writ petition is dismissed. However, the petitioner shall be at liberty to join the place of transfer on the first working day after Diwali holidays.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

