

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

WRIT PETITION NO. 10595 OF 2022

Tushar Shivraj Kalyane

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

Mr. S. B. Talekar a/w. Ms Madhavi Ayyappan i/b. Talekar and Associates
for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent No.1 -State.

Ms. Priyanka Chavan for Respondent Nos. 2 to 6.

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 19 JULY 2024

P.C.:

1. On the last occasion the learned AGP had pointed out that what was annexed at Exhibit-F is only a list and not a specific order. In that context the Petitioner has filed an additional affidavit reiterating that what is annexed at Exhibit-F is the order by which the Petitioner is transferred from Solapur Zilla Parishad to Latur Zilla Parishad. He states that the Petitioner has also obtained the information under the Right to Information Act, 2005.

2. Therefore, we will proceed on the basis that what is annexed at Exhibit-F is a final transfer order binding on both the Zilla Parishads

transferring the Petitioner from Solapur Zilla Parishad to Latur Zilla Parishad.

3. The grievance of the Petitioner is that in spite of the order, the Zilla Parishads concerned are not giving effect to the same.

4. Learned Counsel for the Respondent Nos. 3 and 5 – Zilla Parishads states that the Petitioner has an alternate remedy of approaching the Divisional Commissioner if there is any grievance.

5. Learned Counsel for the Petitioner has pointed out that the grievance forum provided under the concerned Government Resolution is in respect of grievances regarding transfer and the Petitioner has no grievance as the transfer is already ordered and the question is only of implementation.

6. Learned Counsel for the Respondent Nos. 3 and 5- Zilla Parishads sought to contend that the transfer of the Petitioner is a mistake as it is in place of another candidate (Respondent No. 7) and if the transfer is effected, it will lead to administrative difficulty.

7. As stated earlier, we have not been shown any individual order transferring the Petitioner and therefore, we have gone by the list at Exhibit-F as an order. As on today, therefore, the order is on record transferring the Petitioner from Solapur Zilla Parishad to Latur Zilla Parishad. If there are any administrative difficulties as contended, it is for the concerned Zilla Parishads to approach the State Government for

recall/modification. As long as the transfer order stands, we see no impediment why it should not be given effect.

8. Therefore, we direct that the Respondent Nos. 3 and 5-Zilla Parishads will give effect to the transfer order dated 11 August 2020 (Exhibit-F) as regards the Petitioner with a period of 4 weeks. In the meanwhile it is open for the Respondent Nos. 3 and 5-Zilla Parishads to approach the State Government if it is their contention that the order is due to mistake / administrative difficulty. If no order is passed by the State Government, then the transfer order dated 11 August 2020 (Exhibit-F) be given effect.

9. The Writ Petition is disposed of in above terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)