



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2140 OF 2024

Shyam s/o Chotelal Kanojiya, Ayurvedic Layout, Nagpur

-vs-

State of Maharashtra, Thr. Secretary, Home Dept. Mantralya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri M. R. Khan, Advocate for petitioner.

Ms Kalyani Marpakwar, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : April 01, 2024

1. The petitioner, a Police Sub Inspector was transferred from Hudkeshwar Police Station to Police Headquarter, Nagpur within the Nagpur City vide order dated 20/02/2023.
2. Challenge to the said transfer order was unsuccessful before the Maharashtra Administrative Tribunal which dismissed the Original Application 194/2023 on 05/07/2023.
3. Shri M. R. Khan, learned counsel for the petitioner relying on provisions of Sections 22 N (1) and 22 N (2) of the Bombay Police Act, 1951 urged that the normal tenure of transfer of a Police Officer is five years at the place of posting. And if he is transferred before completing the period of tenure, then in that event the competent authority has to furnish reasons for such transfer. According to him the petitioner was not held to be guilty of dereliction of duty and as such the transfer of the petitioner is penal. The Tribunal has rejected the Original Application having noted the conduct of the petitioner while dealing with a complaint which was looked into by the Police Establishment Board in its meeting dated 20/02/2023.
4. The fact remains that the transfer of the petitioner does not appear to be stigmatic as there are no departmental proceedings. It

appears that transfer is on administrative ground that too within the same Police Commissionarate. Even otherwise, pursuant to the transfer order, the petitioner has joined his new posting about a year ago.

5. That being so, we do not see any reason to cause interference in extraordinary writ jurisdiction.

6. The writ petition is dismissed. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)