



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

920 WRIT PETITION NO. 7566 OF 2025

BHASKAR SHRIRAM KHADBADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. A. M. Nagarkar, Advocate for the Petitioner

Ms Neha B. Kamble, AGP for the Respondents – State

Mr. V. V. Gujar, Advocate for Respondent Nos. 3 to 6

....

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 22.07.2025

PER COURT :-

1. Heard learned counsel for the Petitioner.
2. This petition was directed to be listed under the urgent category, as it pertains to the question of the Petitioner's transfer. According to the Petitioner, he is entitled to be retained at his current place of posting in terms of the scheme contemplated under the Government Resolution dated 27.02.2017. Alternatively, it is submitted that, since the place to which he has been transferred does not have any vacancy, the transfer is rendered irregular as per the Government Resolution dated 15.05.2014.

3. The Petitioner is working as an Assistant Teacher at Palsap, taluka and district Dharashiv. He has been transferred from Palsap to Wadgaon, within the same taluka.

4. We find that the ground on which the Petitioner seeks the benefit of the Government Resolution dated 27.02.2017, for retention at the present place of posting, is not permissible, simply for the reason that the Petitioner admittedly failed to produce the relevant medical certificate to support the claim that he has undergone heart surgery. No fault can be found with the Respondent Zilla Parishad in refusing to treat the Petitioner as falling within the special category on the ground of having undergone heart surgery. Admittedly, the relevant certificate endorsed by the Civil Surgeon was not produced within the stipulated period of time. In any case, we find that the medical papers and the endorsement subsequently obtained from the Civil Surgeon, District Dharashiv, pertain to the procedure of angioplasty. The Government Resolution dated 27.02.2017 carves out an exception for employees who have undergone "heart surgery." Therefore, on this count, we are unable to grant relief to the Petitioner.

5. On the second ground raised on behalf of the Petitioner to the effect that in the absence of a vacancy at the transferred place of

posting, the transfer order is rendered irregular, we find that the only contention raised in this regard is the absence of workload at the said place. We fail to understand how the absence of workload would *ipso facto* be equivalent to the absence of a vacancy at the transferred place of posting. Therefore, the Petitioner cannot claim the transfer as irregular under the Government Resolution dated 15.05.2014.

6. Further, it has been brought to our notice that the petitioner's current place of posting, i.e., 'Palsap', is approximately 20 km away from the city of Dharashiv, whereas the transferred place of posting, 'Wadgaon', is about 8 km away. It is also an admitted position that the petitioner has served at the present place of posting for as many as 12 years. Therefore, no ground has been made out for interference in the present writ petition.

7. The learned counsel for Respondent Nos.3 to 6 has tendered reply affidavit, which is taken on record.

8. In view of above, the Writ Petition is dismissed.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]