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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3993 OF 2025

Vilas Baburao Dhaiygude
Age - 52 yrs, Occ- Agriculture Officer
Quality Control, R/at- Balupatlachi Wadi,
Post- Lonand, Tal- Khandala, Dist- SataraPetitioner

Versus

1. State of Maharashtra,
Through Principle Secretary,
Animal Husbandry, Dairy Development
& Fisheries Department, Mantralaya,
Mumbai-400032.
2. The Commissioner (Agriculture),
Agriculture Commissionarate,
Maharashtra State Pune
3. The Divisional Agriculture,
Joint Director, Pune
4. District Superintendent Agriculture officer,
Pune, Dist-Pune
5. Dhananjay Dinkar Patil
Age-53 Years, Occ-Service,
Residing at Sun Orbit-B-405,
Suncity Road, Sinhagad Road, Pune. ...Respondents

Mr Sushant Prabhune, for the Petitioners.
Mr Vivek V. Salunke, for the Respondent No. 5
Mr N. C. Walimbe, Addl. GP a/w. Mr. A. A. Alaspurkar, AGP for the
Respondent-State

CORAM: SUMAN SHYAM &
M. M. SATHAYE, JJ.

RESERVED ON : 18th NOVEMBER, 2025.

PRONOUNCED ON : 26th NOVEMBER, 2025.

JUDGMENT (Per M.M. SATHAYE, J.)

1. The Petitioner is challenging the order dated 14.02.2025 passed by the Maharashtra Administrative Tribunal, Mumbai (**the Tribunal**) in Original Application (OA) No.1361 of 2024. By the said impugned Order, the application of present Respondent No.5 (Dhananjay Dinkar Patil) is allowed, thereby setting aside the Petitioner's transfer order.

2. The case of the Respondent No.5 in the OA, in short, is as under. Respondent No.5 was working as Agriculture Officer, Quality Control at Solapur from March 2022 and had requested for transfer to Pune on the ground that he had family at Pune with his daughter studying in 11th standard and his mother being unwell. He was transferred by Order dated 11.10.2024 from Solapur to Pune. Pursuant to the said transfer Order, he was relieved from Solapur on same date i.e. 11.10.2024 and he joined the office at Pune on 14.10.2024. The District Officer by a letter of same date (14.10.2024), informed the Divisional Agriculture Joint Director, Pune Division that Respondent No.5 has joined Pune office. By another Order of the same date (11.10.2024), another Officer Mr. Balu D. Bagal who was working at Pune was transferred to Solapur in the place of Respondent No.5. The said Mr. Bagal joined the office at Solapur on 15.10.2024. When Respondent No.5 had already reported at Pune office and his joining report was duly communicated to the higher authority, another transfer Order was received on email transferring the present Petitioner to Pune in the same post. This email was received from the office of Respondent No.2 i.e. the Commissioner (Agriculture) and therefore, the Petitioner was allowed to join on 15.10.2024. According to Respondent No.5, the Petitioner's

transfer order was issued subsequently but was back-dated, so as to give him undue accommodation. According to Respondent No.5, the case of the Petitioner was not even placed before the Civil Services Board, though it was mandatory to do so.

3. The Tribunal after hearing both sides, as well as after considering the stand of the government, allowed the OA thereby setting aside the Petitioner's transfer order.

4. Learned counsel for the Petitioner submitted that there is nothing on record to indicate that his transfer order was back-dated. He submitted that the Tribunal has not considered the dispute in proper perspective. He submitted that since the government was supporting his case by taking a stand that the Petitioner's transfer order is legal and transfer order of Respondent No.5 is treated as cancelled, there was no question of the Petitioner approaching the Tribunal. He relied upon a Government Resolution (**GR**) dated 11.02.2024 in support of his case. He pointed out that he had completed 3 years at his earlier posting and had applied for transfer to Pune as his first preference. He submitted that Respondent No.5 had not completed 3 years. He relied upon the stand taken by the government before the Tribunal.

5. On the other hand, learned counsel for Respondent No. 5 submitted that if the sequence of events are considered, then it is obvious that the transfer order of the Petitioner was issued back-dated. Relying on the stand taken by the government, it is pointed out that even according to the government, the transfer order of Respondent No. 5 was issued earlier and an email was sent for its implementation from the office of Commissioner (Agriculture), Pune on the same day i.e. 11/10/2024. He submitted that if the impugned

order as well as interim order dated 22/10/2024 is seen, then the deletion of email and subsequent telephonic instruction has been considered. Therefore, it is submitted that no interference is required.

6. We are informed that after the impugned order, the Petitioner has been transferred to another location – Malkapur, District kolhapur. On the query by the Court, it is informed by the learned counsel for the Petitioner, on instructions, that the Petitioner has not joined the said place of subsequent transfer. We also asked if the Petitioner wishes to join the transferred place and then press this petition, however learned counsel for the Petitioner, on instructions, informed that the Petitioner was not ready to do so.

7. Having considered the rival submissions and on perusal of the record and the impugned order, we are not inclined to interfere, for the following reasons.

7.1. First and foremost, the transfer order of Respondent No. 5 dated 11/10/2024 has not been withdrawn or modified. Instead, transfer order of the Petitioner bearing same date has been issued transferring the Petitioner to the same post / place where Respondent No. 5 was transferred. This is not permitted under law.

7.2. Record clearly indicates that Respondent No. 5 had acted upon his transfer order dated 11/10/2024 and had reported to Pune office on 14/10/2024. Not only this, his joining was reported to the higher authority on same day. Also, the other officer Mr. Bagal who was posted at Pune at the relevant time and who was simultaneously transferred to Solapur, also joined the Solapur office on 15/10/2024. Duly acknowledged joining report of Respondent No. 5 is produced on record alongwith his affidavit-in-reply. Therefore, it is clear that Respondent No. 5 and the other officer-Mr. Bagal both acted upon

their transfer orders and reported to each other's places of posting pursuant to the transfer orders of the same date. The report of District Officer dated 15/10/2024 to the Divisional Joint Director, clearly states that Petitioner had joined subsequently on 15/10/2024.

7.3. In the impugned order, the Tribunal has considered an interesting stand of the government, which is to the effect that, transfer order of Respondent No. 5 was issued first and email was sent for its implementation. However, since sanction is granted to revised request for transfer (it is not clarified whose), telephonic instructions were given not to implement earlier transfer order and an email sent earlier (in respect of Respondent No. 5) was deleted.

7.4. Lastly, it is seen that the Petitioner's case was not even placed before Civil Service Board and therefore there is no question of any recommendation for transfer of Petitioner being under consideration.

7.5. All these factual aspects were considered by the Tribunal whereafter, the impugned order was passed. We do not find any valid ground to disagree with the findings of the learned MAT.

8. For the aforesaid reasons, the impugned order is found to be based on material available before the MAT, coming to the most probable conclusion. There is no perversity or error apparent on record. There is no jurisdictional error. Therefore it does not require any interference in writ jurisdiction. The Petition is accordingly dismissed. No order as to the costs.

9. All concerned to act on duly authenticated or digitally signed copy of this order.

10. At this stage, a request is made to continue the interim protection granted to the Petitioner against a show-cause notice. In the facts and circumstances narrated above, the request is rejected.

(M. M. SATHAYE, J.)

(SUMAN SHYAM, J.)