



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

WRIT PETITION NO. 6522 OF 2025

NILESH SUBHASH JAGTAP

...Vs...

STATE OF MAHA., THR. PRIN. SECRETARY, DEPARTMENT OF HOME, MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.C.Dharmadhikari, Advocate for petitioner.
Shri N.S.Rao, AGP for respondents/State.

**CORAM: ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.**

DATED : 11th NOVEMBER, 2025.

While raising a challenge to the order dated 14/08/2025 passed by the Maharashtra Administrative Tribunal, Nagpur denying the relief to the petitioner to set aside the transfer order of the petitioner from Bhandara to Washim, it is argued that, as per the policy of the Government, more particularly, as per the Government Resolution (G.R.) dated 06/08/2002, if any employee of Class-C and D works in a Naxalite area for 3 years, he shall be given a choice of place for transfer and such choice was not given to the petitioner and therefore, the transfer is bad. It is further argued that, the wife of the petitioner is suffering from Cancer and the said ground has not been considered by the respondents while transferring the petitioner.

2. The learned Tribunal has not accepted the first ground of the petitioner that he works for three years in a Naxalite area as the order of posting of the petitioner dated 18/06/2021 shows that he was transferred from

Nagpur to Bhandara. His headquarter was Bandara and he, sometimes, required to go to certain Talukas for patrolling, which according to the petitioner is a Naxalite area. The intention of the Government while issuing the G.R dated 6/8/2002 and giving a choice to such employees who worked in a Naxalite area is not that, the headquarter shall be the District place, which is not the Naxalite area, but for some occasion, if an employee needs to go to such area, which is a Naxalite area, such benefit should be extended to such employee.

3. In that view of the matter, we do not find any error committed by the Tribunal in rejecting the original application of the petitioner.

4. As far as the ailment of the wife of the petitioner is concerned, we permit the petitioner to make a representation to the respondent no. 1 on such ground.

5. If such representation is made by the petitioner within three weeks from today, the respondent no. 1 is directed to consider the same sympathetically and decide the same within three weeks thereafter.

6. Accordingly, the petition is **disposed of**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)