

Pallavi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8890 OF 2024

State of Maharashtra Through Additional Chief Secretary Public Works Department ...Petitioners

Versus

Manoj Rajaram Thakare ...Respondents

WITH

WRIT PETITION NO.3874 OF 2024

Dattatray Mahadeo Gawade ...Petitioners

Versus

The State of Maharashtra and Anr. ...Respondents

Mr N.C. Walimbe, Addl. G.P a/w Mr. A.R. Deolekar, AGP for the Petitioners – State in WP/8890/2024 and for Respondent – State in WP/3874/2024.

Mr Aseem Naphade and Mr. Priyank Daga, for the Respondent No.2 in WP/3814/2024 and for Respondent No.1 in WP/3874/2024.

Mr Shivkumar Jangwad, i/b. Nitin Gawade Patil for the Respondents.

**CORAM: SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.**

DATED: 9th JUNE 2026.

PC:-

1. This Writ Petition has been filed by the State of Maharashtra assailing the judgment and order dated 29th February 2024 passed by the learned Maharashtra Administrative Tribunal (MAT), Mumbai, in Original Application No.414 of 2023 thus interfering

with the transfer order dated 17th April 2023 challenged by the Respondent as the Original Applicant.

2. It appears that by the transfer order dated 17th April 2023 the Respondent/Original Applicant was transferred and posted in place of one Shri Dattatray Gawade i.e. Respondent No.2 in the Original Application. Shri Dattatray Gawade has also challenged the judgment and order dated 29th February 2024 passed in Original Application No.414 of 2023 by filing Civil Writ Petition No.3874 of 2024 before this Court. However, since he has already retired from service on attaining the age of superannuation on 9th May 2026 there was no live issue involved in the said Writ Petition. As such, Writ Petition No.3874 of 2024 has already been closed as infructuous.

3. Today, when this matter is called out, Mr Walimbe, Additional Government Pleader appearing for the Writ Petitioner/State has submitted that in any view of the matter, the transfer order dated 17th April 2023, which was issued more than 3 years back the Government would be entitled under the law to issue fresh order of transfer/posting in respect of the Departmental candidates including the present Respondent.

4. Responding to the above, Mr. Naphade, learned counsel appearing for the private Respondent submits that transfer order has already been issued by the Government on 27th May 2026 affecting transfer of number of departmental officers including his client and the Respondent has accepted the transfer order. Therefore, the judgment and order of the learned MAT under challenge in this Writ Petition, has already spent its force. The

learned AGP appearing for the State has also agreed to the above proposition.

5. In view of the above, we are also of the opinion that there is no live issue surviving in this Writ Petition which warrants adjudication by this Court. Therefore, by observing that the transfer order dated 27th May 2026 *qua* the Respondent may now be implemented in accordance with law, this Writ Petition stands closed.

(ADVAIT M. SETHNA, J.)

(SUMAN SHYAM, J.)