

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 634 OF 2023
(Subject – Transfer)**

DISTRICT : DHULE

Dr. Bhushan Bhalchandra Rao,
Age : 48 years, Occupation Service
as Associate Professor in Obstetrics
& Gyneacology, Shri Bhausahab
Hire Government Medical College, Dhule
Email: drbhushanrao@rediffmail.com
Mobile No. 8329756563

...APPLICANT

V E R S U S

- 1) The State of Maharashtra
Through its Secretary,
Medical Education &
Drugs Department,
G.T. Hospital Compound,
New Complex, 9th Floor,
Mantralaya, Mumbai - 400 001.
- 2) The Commissioner,
The Medical Education & Research,
Government Dental College & Hospital,
St. George's Hospital Compound,
4th Floor, C.S.M.T. Station, Mumbai 400 001.
- 3) The Director,
The Medical Education & Research,
Government Dental College & Hospital,
St. George's Hospital Compound,
4th Floor, C.S.M.T. Station, Mumbai-400 001
- 4) The Dean,
Shri Bhausahab Hire Government
Medical College Dhule.
- 5) The Dean,
Government Medical College,
Aurangabad

- 6) Dr. Smt. Vaishali Patil
Age major, Occu. Service
as Associate Professor,
Cancer Diagnostic Centre,
Government Medical College, Aurangabad

... **RESPONDENTS**

APPEARANCE : Shri J.B. Choudhary, counsel for the
Applicant.

: Shri B.S. Deokar, Presenting Officer for
Respondent authorities.

: Shri Avinash Deshmukh, counsel for
respondent No. 6

CORAM : **JUSTICE SHRI P.R. BORA, VICE CHAIRMAN**

DATE : **25.08.2023.**

ORAL - ORDER

1. Heard Shri J.B. Choudhary, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash Deshmukh, learned counsel for respondent No. 6.

2. The applicant has challenged the order dated 13.07.2023, whereby he has been transferred by the respondent No. 4 from Shri Bhausahab Hire Government Medical College, Dhule to Cancer Diagnostic Centre, Government Medical College, Chatrapati Sambhaji Nagar (Aurangabad). The order of the even

date, whereby the respondent No. 6 has been transferred to Dhule in place of the applicant, has also been challenged and sought to be quashed.

3. The applicant is working as Associate Professor at Shri Bhausahab Hire Government Medical College, Dhule. In the year 2013 the applicant was selected by Maharashtra Public Service Commission (MPSC) for the post of Associate Professor. On such promotion he was given appointment at Akola. From Akola the applicant was transferred to Dhule on 05.08.2014 and since then, he is working on the said post.

4. It is the grievance of the applicant that he has been transferred from Dhule to Aurangabad (Chatrapati Sambhaji Nagar) without following the due procedure and in violation of the provisions under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "the Transfer Act 2005"). It is the case of the applicant that he has been transferred in the mid-term only with an object to accommodate the respondent No. 6 in his place. It is his further contention that while directing his transfer, Civil Services Board has not been consulted and there is no recommendation of the Civil Services Board for his transfer.

It is the further case of the applicant that the respondent No. 6 was selected through MPSC for the post of Associate Professor and was given posting at Cancer Diagnostic Centre, Government Medical College, Aurangabad in the month of January, 2023, but she did not resume charge of said promotional post within the period stipulated therefor. It is the further case of the applicant that according to his instructions, the period of joining for respondent No. 6 to the promotional post was never extended by the competent authority and as such, the respondent No. 6 shall be deemed to have denied the said promotion. It is further contended that in spite of the fact that the respondent No. 6 did not resume the charge of promotional post and continued to work at Shri Bhausahab Hire Government Medical College, Dhule on the post of Assistant Professor, vide the impugned order she is shown to have been transferred from Cancer Diagnostic Centre, Government Medical College, Aurangabad to Shri Bhausahab Hire Government Medical College, Dhule in place of the applicant. It is also the contention of the applicant that even on administrative grounds no mid-term transfer could have been effected of the applicant without assigning cogent reasons therefor. Applicant has further alleged that in spite of the fact that the request made by the respondent No. 6 was rejected by

the Civil Services Board in its meeting held on 17.05.2023, within few days thereafter, she has been given posting in place of the applicant. On all above grounds, the applicant has questioned both the transfer orders.

5. The contentions as are raised in the Original Application and the prayers made therein are resisted by the respondents. The respondent Nos. 1 to 5 have filed their joint affidavit in reply contending therein that the applicant was due for transfer since he has spent the period of more than 8 years on his existing post. It is also submitted that the Civil Services Board which recommended transfers, was duly constituted. It is further submitted that in order to have enough teaching faculty in the newly started institutions, the transfers have been effected with approval of the competent authority. It has also been stated that the transfer being an incidence of service the Government servants have no legally enforceable right to claim posting at a particular place or for a particular period and it is for the competent authority to decide who are to be transferred and where.

6. The respondent No. 6 has filed her affidavit in reply opposing the submissions raised in the Original Application, as

well as prayers made therein. It is the contention of the respondent No. 6 that the applicant has not approached the Tribunal with clean hands and has suppressed the material facts from the Tribunal. It has been contended that the applicant had attempted to pressurize the State Government authorities by bringing recommendation letter in his favour from the Hon'ble Union Minister Shri Nitin Gadkari. It has been further submitted that since the applicant has availed the extra judicial and extra departmental remedy, he is disentitled from claiming any relief from this Tribunal. The respondent No. 6 has provided particulars of tenure spent by the applicant at Shri Bhausaheb Hire Government Medical College, Dhule. It is submitted that the applicant worked as Assistant Professor in the said college for 10 years and 6 months and thereafter, after having worked for only 7 months at Akole again got transferred at Dhule in the year 2014 and since then he is working on the post of Associate Professor in OBGY of the said college. It has also been contended that in the year 2014, the applicant was brought at Dhule on his request on the ground of illness of his parents. It has also been contended that after having spent a long tenure of about 20 years at one station, the applicant does not have any right to challenge the impugned order, whereby he has been

transferred to Aurangabad. Insofar as her appointment by way of selection through MPSC on the post of Associate Professor is concerned, the respondent No. 6 has explained that at the relevant time because of certain compelling reasons and more particularly illness of her father, she could not resume the duties within the given period, but she had promptly applied for extension to join on the promotional post time to time. It has also been said that in the relevant period, the applicant was constrained to take a long leave on the ground of illness of her father. It is alleged that the applicant was well aware about all these facts and though he himself had forwarded the application submitted by the applicant for leave or extension of time, without making any reference of the said fact, in other words by suppressing the said fact, has made certain allegations in that regard against the applicant. According to respondent No. 6, the applicant has been duly transferred by the State authorities by following the due process in that regard and with the approval of the competent authority. Contention is also raised that it is prerogative of the State authorities to issue the order of postings by taking into account the administrative need. Respondent No. 6 has denied the allegations made against her of using political influence in getting issued the impugned order. The respondent

No. 6 on the aforesaid grounds has prayed for dismissal of the Original Application.

7. Learned counsel for the applicant referring to the documents filed on record along with the Original Application as Annexures A-1, A-2 and A-3 submitted that all these documents read collectively lead to an inference that the transfer of the applicant was never recommended by the Civil Services Board and that the same has been made with the only object to accommodate respondent No. 6 in his place. Referring to some of the letters filed on record written by the Dean, Shri Bhausahab Hire Government Medical College, Dhule to the Government, learned counsel submitted that the applicant before joining on the post of Associate Professor in pursuance of the impugned order was working on the post of Assistant Professor at the same College i.e. Shri Bhausahab Hire Government Medical College, Dhule. Learned counsel pointed out that though the respondent No. 6 did never join on the post of Associate Professor at Cancer Diagnostic Centre, Government Medical College, Aurangabad, her transfer has been shown by the respondent authorities from the said place and it is sufficient to draw an inference to what extent the respondent No. 6 has been favoured by the State authorities. Learned counsel further submitted that respondent

No. 6 has not filed any document showing that time to join on the promotional post of Associate Professor at Cancer Diagnostic Centre, Government Medical College, Aurangabad was ever extended by the State authorities. Learned counsel submitted that in the circumstances, in fact, respondent No. 6 shall be deemed to have denied the said promotion in view of the specific condition in that regard in the order or her promotion. Learned counsel further submitted that the respondent No. 6 was in fact seeking her posting in place of Dr. Ghumare, who was transferred from Dhule to Jalgaon. Learned counsel taking me through the minutes of the meeting placed on record by the respondents of the Civil Services Board held on 17.05.2023 submitted that in the said minutes there was no subject pertaining to transfer of the applicant from Aurangabad to any other place. Learned counsel further pointed out that on the contrary, in the said meeting the request made by the applicant was for consideration and the Civil Services Board has rejected the said request stating that her services were more required at the Cancer Diagnostic Centre, Government Medical College, Aurangabad. Learned counsel submitted that the respondents have utterly failed in bringing on record any exceptional case or special reason so as to direct the transfer of the applicant in his

mid-term. Learned counsel submitted that considering the documents placed on record by the State authorities, it is explicit that the applicant was shifted from Dhule with the only object of accommodating respondent No. 6 in his place. Insofar as allegation as about brining pressure of political leader is concerned, learned counsel pointed out that the letter issued by the Hon'ble Union Minister Shri Nitin Gadkari is of the date after the impugned order was issued by the Government and recommendation is made therein for considering the request of the applicant. Learned counsel submitted that as against it, it is revealed from the record that the respondent No. 6 has succeeded in getting herself transferred by using political force. Learned counsel referred to the minutes of the meeting of the Civil Services Board, wherein such reference has come. Learned counsel submitted that though Civil Services Board did not accept the request of respondent no. 6, she had managed to get her posting at Dhule.

8. Learned counsel placing reliance on the judgment delivered by the Principal Seat of this Tribunal at Mumbai in the case of **Shri Raosaheb Daulatrao Mahale Vs. The Superintending Engineer, Mumbai & Ors., in O.A. No. 703/2014** decided on 16.09.2014, argued that similar facts were existing in the aforesaid matter

and the Tribunal has set aside the order impugned in the said Original Application by observing that special reason has to be referable to public interest or cognizable and compulsive personal emergency of an employee which satisfies the test of “special reason”. Learned counsel submitted that such an element is completely absent in the present matter. Learned counsel has therefore, prayed for allowing the present Original Application, thereby setting aside both the orders impugned in the present Original Application and with further direction to allow the applicant to continue to work on his existing post.

9. Learned Chief Presenting Officer reiterated the contentions raised in the affidavit in reply filed on behalf of respondent Nos. 1 to 5. Learned C.P.O. submitted that since the applicant had spent considerable long period at Dhule and when his services were required at Cancer Diagnostic Centre, Government Medical College, Aurangabad, the respondents were required to take a decision in the larger interest to shift the applicant from his existing place and accordingly with the recommendation of the Civil Services Board and approval from the competent authority he has been transferred and posted at Cancer Diagnostic Centre, Government Medical College, Aurangabad. Learned CPO submitted that once the order of transfer is approved by the

competent authority and sufficient material is brought on record to show that the transfer of the applicant was made on the ground of administrative exigency, no interference is liable to be caused in the impugned order by this Tribunal.

10. Shri Avinash Deshmukh, learned counsel appearing for respondent No. 6 raised serious objection about the conduct of the applicant in availing extra judicial remedy by approaching the Hon'ble Union Minister and suppressing the said fact while approaching this Tribunal. Learned counsel submitted that the entire thrust of the applicant is to show how the order of transfer in respect of respondent No. 6 is illegal instead of showing any sufficient reason for justifying how his order of transfer is bad in law. Learned counsel submitted that after having spent the period of more than 8 years at one place and in one post the applicant was otherwise also due for transfer. Learned counsel submitted that for smooth administration the Government is vested with sufficient powers to effect such transfers even before the Government employee completes his ordinary tenure on the existing post. Learned counsel submitted that in the present matter the applicant, who had spent more than 8 years does not have any moral to say he could not have been transferred from his existing post. Learned counsel further submitted that the

Tribunal also cannot ignore the fact that it was the applicant who had forwarded the applications of respondent No. 6 seeking extension for joining on the promotional post. Learned counsel submitted that personal difficulties, which the applicant faced at the relevant time sufficiently, justify the request of respondent No. 6 seeking retention at Dhule. Learned counsel submitted that having considered the genuine difficulties put-forth by the respondent No. 6, the respondents did take a conscious decision to give her posting at Dhule and such proposal has been approved by the highest competent authority i.e. the Hon'ble Chief Minister. In the circumstances, according to the learned counsel, there is no procedural lapse in giving posting to the respondent No. 6 in place of the applicant.

11. Learned counsel, relying on the law laid down by Division Bench of the Hon'ble Bombay High Court in the case of **Purushottam Govindrao Bhagwat vs. State of Maharashtra & Ors, 2012 (3) BOM.CR.442** and more particularly inviting my attention to para No. 13 of the said judgment, submitted that the Government has enough power and authority to transfer the Government employee in mid-term and even beyond the period of April or May considering the administrative exigency, if the concerned Government servant has completed his ordinary

tenure on the existing post. Learned counsel submitted that in the present matter, the applicant has admittedly spent much more period than the ordinary tenure / period and as the post at Cancer Diagnostic Centre, Government Medical College, Aurangabad was lying vacant and was required to be emergently filled in, the decision was taken to transfer the applicant on the said post. Learned counsel submitted that considering the facts as aforesaid no error can be alleged on the part of the respondents in issuing the impugned order, thereby transferring the applicant from Dhule to Aurangabad. Learned counsel further submitted that the recommendation as are made by the Civil Services Board and the decision of the Hon'ble Apex Court in the case of **T.S.R. Subramanian & Ors. Vs. Union of India and Ors.**, dated 31.10.2013 if considered in proper spirit and perspective, are directory in nature and power of the competent authority is not taken away to differ with the recommendations made by the Civil Services Board and/or to issue orders even without recommendations of the Civil Services Board. Learned counsel submitted that the applicant has not alleged mala-fides against the authority, which has ultimately taken a decision of his transfer. In absence of such allegations, according to the learned counsel no other ground remains for accepting the

contention of learned counsel to set aside the impugned order. For all above reasons, learned counsel prayed for dismissal of the present Original Application.

12. I have duly considered the submissions made on behalf of the applicant, as well as, the respondents. I have also gone through the documents filed on record. The transfer of the applicant has been directed vide the impugned order on administrative grounds, whereas the transfer order of respondent no. 6 has been issued by invoking the provisions U/s 4(4)(2) and 4(5) of the Transfer Act, 2005. In the order by which the applicant has been transferred, though it has been averred therein that the transfer is being made on administrative ground, no specific provision of the Transfer Act, 2005 has been quoted as has been expressly quoted in the order in respect of respondent no. 6. The annual general transfers are made under the provisions of sub-sections 1 to 3 of section 4, whereas the transfers on administrative grounds are made under section 4(4) or under section 4(5) of the Transfer Act, 2005. As contended by the respondents, the powers U/s 4(4)(i) have been invoked while issuing the transfer order of the applicant. Learned Presenting Officer and learned counsel appearing for respondent No. 6 have argued that the transfer of the applicant has been ordered to fill

the vacancy existing at Cancer Diagnostic Centre, Aurangabad. As has been further argued by them, the applicant was liable to be transferred under the said provision any time in the year and even beyond the month of April or May, since he has completed the ordinary tenure on his existing post.

13. In the aforesaid context, it has been argued that since the applicant has failed in showing any illegality or any procedural lapse in the order of his transfer that he has challenged the transfer order of respondent No. 6 alleging it to be illegal and unsustainable. It has also been argued that when the applicant has failed in bringing on record any illegality or procedural lapse in his order of transfer, the O.A. deserves to be dismissed and at the instance of the applicant legality of the order of transfer pertaining to respondent No. 6 cannot be decided.

14. The argument as has been made on behalf of respondents is however difficult to be accepted. It is the specific allegation raised by the applicant in his O.A. that he has been transferred from Dhule in order to accommodate respondent No. 6 in his place and for no other reason. If the documents on record are considered, there appears substance in the allegation so made by the applicant.

15. It is undisputed that after her selection through MPSC for the post of Associate Professor, respondent No. 6 was given an appointment vide order dated 18.01.2023 at Cancer Diagnostic Centre, Aurangabad. It is further not in dispute that respondent No. 6 did not join on the said post and continued to work as Assistant Professor in Shri Bhausaheb Hire Government Medical College, Dhule. There is further no dispute that respondent No. 6 was praying for change in her posting and was seeking appointment on the post of Associate Professor in the same college i.e. Shri Bhausaheb Hire Government Medical College, Dhule. Further there is no dispute that the request so made by respondent No. 6 to give her posting at Shri Bhausaheb Hire Government Medical College, Dhule instead of Cancer Diagnostic Centre, Aurangabad was placed for consideration of Civil Services Board. It is also not in dispute that the Civil Services Board in its meeting held on 17.05.2023 rejected the request of respondent No. 6 on the ground that her services were more required at Cancer Diagnostic Centre, Aurangabad. Further it is the matter of record that discarding the decision of the Civil Services Board, the Hon'ble Chief Minister accepted the request of respondent No. 6 to give her appointment / posting at Shri Bhausaheb Hire Government Medical College, Dhule and

accordingly the order dated 13.07.2023 was issued in favour of respondent No. 6.

16. As I have noted hereinabove, in the said order the transfer of the respondent No. 6 is shown to have been made by invoking the powers under Section 4(4)(ii) and 4(5) of the Transfer Act, 2005. Respondent No. 6 in her affidavit in reply has clarified that her request was for her appointment on the post of Associate Professor for which she was selected through MPSC at Dhule instead of Aurangabad. It is her further contention that she was seeking modification in her posting, however, the State Government wrongly issued the order dated 13.07.2023 of her posting at Dhule as an order of her transfer from Aurangabad to Dhule. She has further clarified that when she had not joined at Aurangabad pursuant to the order dated 18.01.2023 there was no question of her transfer being effected from the post of Associate Professor in OBGY in Cancer Diagnostic Centre, Aurangabad to Shri Bhausaheb Hire Government Medical College, Dhule. She has further stated that it is apparent mistake on the part of State Government in terming the order of her posting as an order of her transfer and for the mistake of the State Government she cannot be made to suffer.

17. Even if it is accepted that the request of respondent No. 6 was for modification in place of her posting, while accepting the said request also it was incumbent on part of the competent authority to record reasons more particularly when the Civil Services Board which is the competent authority has earlier considered the said request and had rejected it by giving reason that services of respondent No. 6 were more required at the Cancer Diagnostic Centre, Aurangabad. The power of the competent authority to take a different view than the Civil Services Board is undisputed. However, the competent authority must state reasons, may be in brief, while disagreeing with the decision of the Civil Services Board as to on what grounds, the request of the employee concerned deserves to be accepted. For consideration of the applications / representations seeking 'request transfer' or 'request posting' on appointment, norms to be applied cannot be different. As there can be exceptional circumstances or special reasons essential for making transfer of the Government employee at a particular place so there may be similar exceptional circumstances or special reasons essential for giving appointment to the Government employee at the particular place. In sum and substance may it be a request transfer or a

request posting or modification in posting, the requirement of recording reasons in writing therefor cannot be dispensed with.

18. Division Bench of Hon'ble Bombay High Court in the case of **Ramakant Baburao Kendre Vs. the State of Maharashtra & Ors, 2012 (Supp.) Bombay Cases Reporter 735** in para No. 22 of the said judgment has observed that :-

“When the Maharashtra Transfer Act stipulates recording of reasons, first it has to be recorded in the original file. If any transfer which takes away the right guaranteed to an employee of not being transferred prior to completion of his tenure is allowed, only by stating that it is "in the public interest" or on the ground of "administrative exigency", then it would frustrate the very purpose of the Act and makes the provisions of such Act redundant. In our considered view, it is necessary to record atleast some reason as to how "a special case" is made out. No doubt that we do not expect an authority to write an elaborate judgment to make out "a special case". However, at the same time, in order to enable the Court to exercise the powers of judicial review, atleast it is necessary for an authority to write in brief as to how "a special case" is made out, so that the powers of judicial review, which has been held to be a basic structure of the Constitution, can be properly exercised by thr High Court/Supreme Court. In that view of the matter, we find that the petition deserves to be allowed.”

19. In case of **Kishor Shridharrao Mhaske vs Maharashtra OBC Finance and Development Corporation, A Government Sector Organization, 2013 (6) Bom.C.R. 391**, Division Bench of the Hon'ble High Court has observed in paragraph No. 7, that:-

“We are satisfied in the case in hand that there was non-observance of the statutory requirements of the Act. The mid-term or pre-mature special transfer has to be strictly according to law, by a reasoned order in writing and after the due and prior approval from the competent transferring authority concerned for effecting such special transfer under the Act. The exercise of exceptional statutory power has to be transparent, reasonable and rational to serve objectives of the Act, as far as possible, in public interest. Mandatory requirements of the provision under Section 4(5) of the Act cannot be ignored or bye-passed. The exceptional reasons for the special mid-term or pre-mature transfer ought to have been stated in writing. Vague, hazy and meager expression such as "on administrative ground" cannot be a compliance to be considered apt and judicious enough in the face of mandatory statutory requirements. The impugned order of the transfer in the absence of mention of special and exceptional reasons was passed obviously in breach of the statutory obligations and suffers from the vices as above.”

20. In the present matter neither in the order dated 13.07.2023 pertaining to respondent No. 6 nor in the affidavit in reply filed on behalf of respondent Nos. 1 to 5 the reasons have been recorded which necessitated or which were found essential for accepting the request of respondent No. 6. It can be understood that in the order of transfer or change in posting, it may not be possible to elaborate the reasons. However, there cannot be an excuse from recording the reasons in the original file or in the proposal moved seeking approval of the competent authority and

the said contemporaneous record must be produced before the Tribunal. No such record has been produced in the present matter.

21. From the facts and circumstances which have come on record there has remained no doubt that the applicant was transferred from Dhule to Aurangabad with the only object of accommodating respondent No. 6 in his place. As observed by the **Hon'ble Andhra Pradesh High Court in the case of A.S. Rama Gangi Reddy Vs. Government of A.P., 1992 Lab. I.C. 1113** the transfer order, which is made to accommodate another employee is not a bona fide exercise of power. The Division Bench of Hon'ble Bombay High Court in the case of **Sheshrao Umap Vs. State of Maharashtra and Ors., 1984 (2) SLR 328 (Bom.)** has held that, a midterm transfer effected only to accommodate another employee will be mala fide.

22. As has been observed in the decision rendered in **O.A. No. 703/2014 (Shri Raosaheb Daulatrao Mahale Vs. The Superintending Engineer, Mumbai & Ors.)** on 16.9.2014 at the Principal Seat of this Tribunal at Mumbai, "special reason has to be referable to public interest or cognizable and compulsive personal emergency of an employee which satisfies the test of

“special reason”. It is further observed that, “if the transfer is merely on the request, the fact of such request seen from any angle does not satisfy the test of existence of any special reason or exceptional circumstance”.

23. It is well within the power and authority of competent authority/transferring authority to consider the request made by an employee for his or her posting or transfer at a particular place. However, while accepting the said request the competent authority/transferring authority has to ensure firstly, that reasons as are assigned by the concerned employee making such request are worth considering and fall in the category of exceptional circumstances for accepting his/her request and, secondly that no prejudice is caused to other Government employee who is likely to be shifted for accommodating the said employee. The request of such employee cannot be accepted to the prejudice of another employee. If such posting by appointment or by transfer is to be made on a vacant or a newly created post, there may not be any such requirement; however, if it is to be made in place of some other employee, whose transfer is not proposed or intended, it shall not be prejudicial to his interest. In such matter, the authorities shall not lost sight of the fact that it is not only the issue of accepting a request of one

employee, but equal important and significant aspect is why to shift other employee from his existing post in his midterm or mid-tenure. The authorities are expected to give equal treatment to both of them. If the request of any employee is accepted for his transfer or posting at a particular place without considering the hardships likely to be caused to other employee, who is likely to be shifted it would amount to adopting discriminatory practice and violation of the constitutional rights guaranteed under Article 14 and 16 of the Constitution of India.

24. After having considered the entire facts and circumstances involved in the matter, I have no hesitation in recording that the orders impugned in the present O.A. are passed without observing the statutory requirements envisaged under the Transfer Act, 2005. Both the orders therefore, deserve to be quashed and set aside. In the result, the following order is passed: -

ORDER

- (i) The impugned orders dated 13.07.2023, one, in respect of transfer of the applicant and other in respect of transfer of respondent No. 6, both are quashed and set aside.

- (ii) The respondents shall permit the applicant to continue to discharge his duties on his existing post i.e. at Shri Bhausahab Hire Government Medical College, Dhule.
- (iii) The manner in which respondent No. 6 should be dealt with may have to be decided by the respondents inter se by issuing appropriate order.
- (iv) The Original Application stands allowed in the aforesaid terms.
- (v) There shall be no order as to costs.

PLACE : AURANGABAD.
DATE : 25.08.2023.

(JUSTICE P.R. BORA)
VICE CHAIRMAN

KPB S.B. O.A. No. 634 of 2023 RB Transfer