

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

ORIGINAL APPLICATION NO. 761 OF 2023

DISTRICT : JALNA

Dr. Utkarsh Bhimrao Wankhede,)
Age : 52 years, Occu. : L.D.O.-Class-I,)
At Anwa, Tah : Bhokardan, Dist. Jalna.)

.... **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through the Principal Secretary,)
Agriculture, Animal Husbandry, Dairy)
Development & Fisheries Department,)
Mantralaya, Mumbai-400 032.)

2. Regional Joint Commissioner,)
Animal Husbandry, Khadkeshwar,)
Aurangabad.)

... **RESPONDENTS**

APPEARANCE : Shri Ajay Deshpande, Counsel for Applicant.

: Shri N.U. Yadav, Presenting Officer for
respondent authorities.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

DATE : **13.02.2024**

O R A L - O R D E R

1. Heard Shri Ajay Deshpande, learned counsel appearing for the applicant and Shri N.U. Yadav, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of with the consent of both the parties at the admission stage itself.

3. The applicant is working as Livestock Development Officer (in short LDO) on the basis of MPSC selection and served throughout the State. By order dated 15.05.2023 issued by respondent No. 1, the applicant has been transferred from the post of LDO, Group-A, Tembhurni Veterinary Dispensary, Tq. Jafrabad, Dist. Jalna to LDO, Group-A, Veterinary Dispensary at Anwa, Tq. Bhokardan, Dist. Jalna.

4. It is the case of the applicant that he holds a post graduate degree in Pathology i.e. MVSC (Pathology) while in service and as such, holds a higher qualification prescribed than the qualification required to be possessed for the post of Livestock Development Officer, Group-A.

5. Learned counsel for the applicant submits that considering the higher qualification acquired by the applicant in service, the work assigned to him at the place of posting can be carried out by the Graduate in Veterinary Science and as such, the special skills possessed by the applicant are not required to deal with the work in Veterinary Dispensary to undertake regular checkup and treatment to the Livestock in the area. Learned

counsel submits that the applicant is working at Tembhorni, Tq. Jafrabad, Dist. Jalana since March, 2019. He is due for transfer and as such, he had submitted a representation for posting at nearby Aurangabad in order to avail the benefit of couple convenience. The applicant's wife is also holding a civil post under the State and presently working as First Clerk in the office of Executive Engineer, Irrigation Research Institute, CADA Office campus, Aurangabad.

6. Learned counsel for the applicant submits that the Government has issued G.R. dated 09.02.2023 (Exhibit R-5) and provided the policy of consideration of Educational Specialization for posting on specific posts in consideration of working targets on technical posts under various institutes of Animal Husbandry Department. Learned counsel submits that at present the post possesses by the applicant is available at Aurangabad in Regional Diseased Investigation Laboratory. Learned counsel submits that the applicant has submitted representation dated 31.03.2013 for posting him against any of 04 vacant posts available as on 31.03.2023 and at the sight of the said representation, the post at (i) LDO (Slaughter House), District Deputy Commissioner of Animal Husbandry, Aurangabad, (ii) LDO, Regional Disease Investigation Laboratory, Aurangabad, (iii)

LDO, Artificial Insemination Centre, Aurangabad and (iv) LDO, in the office of Regional Joint Commissioner of Animal Husbandry, Aurangabad were lying vacant.

7. Learned counsel for the applicant submits that further the respondent No. 2, who happens to be his immediate superior has also recommended his posting in Regional Diseased Investigation Laboratory at Aurangabad by specifically stating therein that the Post Graduate qualification in Pathology would be beneficial for the Government, if the applicant is posted to work in the said Laboratory. Even after transfer order, the applicant has submitted another representation dated 15.05.2023 (Annexure A-3), which has been received by the office on 17.05.2023. Learned counsel submits that the present Original Application is filed with a limited prayer to direct the respondent No. 1 to decide the said representation of the applicant dated 15.05.2023 (Annexure A-3) in order to ensure best utilization of applicant's services as an expert to sub serve the ends of justice within a period of four weeks.

8. Learned Presenting Officer submits that the G.R. dated 09.02.2023 is not applicable to the case of the applicant. In terms of para No. 2(2) of the said G.R., the required

educational qualification for the post of Livestock Development Officer, Group-A is M.V.Sc. or Ph.D. in Microbiology/Bacteriology /Virology/Parasitology/Medicine/Biotechnology. The applicant holds the qualification of M.V.Sc. (Pathology), which is not included in the policy.

9. On careful perusal of the said G.R. dated 09.02.2023 (Annexure R-5) submitted by the respondents along with their affidavit in reply, it appear that in para No. 2 the educational qualification as possessed by the applicant is referred for transfer and posting on priority basis considering their educational qualification and corresponding suitable place of transfer.

10. In view of above discussions, the present Original Application deserves to be allowed by directing the respondent No. 1 to consider the representation of the applicant dated 15.05.2023 (Annexure A-3) couple with the recommendation of respondent No. 2 and the G.R. dated 09.02.2023 (Annexure R-5) in order to ensure best utilization of applicant's services as an expert in time bound manner. Hence, the following order :-

ORDER

(i) The Original Application No. 761/2023 is hereby allowed.

- (ii) The respondent No. 1 is hereby directed to decide the representation of the applicant dated 15.05.2023 (Annexure A-3) in view of the recommendation of respondent No. 2 and the G.R. dated 09.02.2023 (Annexure R-5) as expeditiously as possible and preferably within a period of four weeks from the date of this order.
- (ii) In the circumstances, there shall be no order as to costs.
- (iv) The Original Application accordingly disposed of.

PLACE : Aurangabad.

DATE : 13.02.2024

(Justice V.K. Jadhav)
Member (J)

KPB S.B. O.A. No. 761 of 2023 VKJ Transfer