

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

List of Cases set down for Physical Hearing/Admission/Order/etc .before Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -03/04/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA102/21	Nanded	Adv Suresh D Dhongde (Sangram U Rathod)	Time Bound Promotion	For Filing Amendment Application	24.06.2024
2	OA156/21	A'bad	Adv Suresh D Dhongde (Jayshree A Sonwane)	Benefit of G.R Time Bound Promotion	For Filing Amendment Application	24.06.2024
3	OA631/21	Nanded	Adv A B Rajkar (Shamsundar K Surywanshi) <u>Adv V C Solshe For R-2 & R-3</u>	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	24.06.2024
4	OA803/21	Nanded	Adv Madhur A Golegaonkar (Parmeshwar D Bellale & Ors.)	Benefits of Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	24.06.2024
5	OA804/21	Nanded	Adv Madhur A Golegaonkar (Vilas S Rokade & Ors.)	Benefits of Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	24.06.2024
6	OA295/22	Latur	Adv K B Jadhav (Bhagwan K Mane)	TBP/ ACPS	For Filing Affidavit in Rejoinder	24.06.2024
7	OA866/22	Hingoli	Party in Person (Tukaram H Jadhav)	Benefit of T.B.P/A.C.P.S	Reply Filed By R-2 & R-3 For Filing Affidavit in Rejoinder	24.06.2024

8	OA957/22	A'bad	Adv Suchita Dhongde (Mamik S Desale & Ors.) <u>Adv Suchita Dhongde For Added Applicant-11</u>	Benefits of T.B.P. & A.C.P.S	For Filing Affidavit in Reply	26.6.2024
9	OA961/22	Jalna	Adv Ajay S Deshpande (Smt. Sunanda S Harsulkar)	Time Bound Promotion/ Pension	As a Last Chance For Filing Affidavit in Reply	24.06.2024
10	OA111/23	Nanded	Adv J S Deshmukh (Dr.Udaykumar T Helkar)	Suspension/ Reinstatement	For Filing Affidavit in Reply	24.06.2024
11	OA144/23	Latur	Adv R P Bhumkar (Prafulchandra N Gundre & Ors.) <u>Adv S B Mene For R-2 Adv S B Mene has filed leave note from 03.04.2024 to 04.04.2024</u>	Time Bound Promotion	For Filing Affidavit in Reply	24.06.2024
12	OA198/23	A'bad	Adv S B Solanke (Gunaji K Mundhe)	Benefits of A.C.P.S	Last Chance For Filing Affidavit in Reply	24.06.2024
13	OA322/23	A'bad	Adv Shrimant Mundhe (Chhaya M Suradkar)	Directions/ Benefits of T.B.P. & A.C.P.S	For Filing Affidavit in Reply	24.06.2024
14	OA463/23	A'bad	Adv Shamsunder B Patil (Dr. Subhash G Kabade)	Benefits of T.B.P./A.C.P.S	For Filing Affidavit in Reply	6.5.2024
15	OA510/23	A'bad	Adv Kiran G Salunke (Rajendra V Marale)	Leave Period	Reply Filed By R-1 For Filing Affidavit in Reply	9.5.2024
16	OA623/23	P'rbn	Adv V U Rathod/ Adv S S Kulkari (Taufik Ali Shaukat Ali)	Time Bound of Promotion/Ben efits of G.R	For Filing Affidavit in Rejoinder	24.06.2024
17	OA624/23	Hingoli	Adv V.U Rathod/ Adv V S Kadam Adv S S Kulkarni (Sheshrao S Garole & Ors.)	Time Bound Promotion/ Benefits of G.R	For Filing Affidavit in Rejoinder	24.06.2024

18	OA625/23	Nanded	Adv V.U Rathod/ Adv V S Kadam Adv S S Kulkarni (Sambhaji N Honrao & Ors.)	Time Bound Promotion/ Benefits of G.R	For Filing Affidavit in Rejoinder	24.06.2024
19	OA626/23	Hingoli	Adv V U Rathod (Shankar L Devkar & Ors.)	ime Bound Promotion/ Benefits of G.R	For Filing Affidavit in Rejoinder	24.06.2024
20	OA888/23	Nanded	Adv M R Jamnik/ Adv G J Pahilwan (Baliram S Gaikwad) <u>Adv Shamsundar B Patil</u> <u>For R-6 & R-7</u>	Time Bound Promotion ACPS	Await Service R-5	26.6.2024
21	OA1068/23	P'rbn	Adv Talekar & Associates (Gunaji G Kamble)	Benefits of T.B.P	For Filing Affidavit in Reply	24.06.2024
22	OA133/24	P'rbn	Adv Sandeep B Sontakke (Sopan H Thombre)	Pay Fixation	Await Service	9.5.2024
23	OA134/24	A'bad	Adv S B Sontakke (Ashok D Bankar)	Recovery	Await Service	9.5.2024
24	OA135/24	A'bad	Adv S B Sontakke (Abdul Naeem Abdul Jabbar Shaikh)	Recovery	Await Service	9.5.2024
25	OA169/24	Nanded	Adv S A Ghate (Narayan M Boinwad & Anr.)	Appointment on Compassionate Group Substitution	For Filing Affidavit in Reply	25.5.2024
26	OA189/24	P'rbn	Adv S B Sontakke (Sopan H Thombre & Ors.)	Deem date Promotion & Benefits	Await Service	9.5.2024
27	OA205/24	Latur	Adv S D Joshi (Dinesh G Koli)	Suspension	Await Service	7.5.2024
28	OA224/24	Beed	Adv R P Bhumkar (Subhash B Selukar & Ors.)	Benefits of G.R	For Filing Affidavit in Reply	24.06.2024
29	OA281/24	Latur	Adv S B Sontakke (Mohammad Riyaz Mohammad Ibrahim)	Deemed date Promotion & Pay Fixation	Await Service	9.5.2024
Order Matter						
30	MA546/22 In OAS1695/22	Nanded	Adv A B Shinde (Shaukat Ullah Khan Ahsan Khan)	M.A For Condonation of Delay	For Filing Affidavit in Reply	19.4.2024

ORIGINAL APPLICATION NO. 637 OF 2021
(Ravindra G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 781 OF 2018
(Suryakant M. Garude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 26.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 03.04.2024

ORIGINAL APPLICATION NO. 938 OF 2019
(Maheboob Khan Mohd. Yousufkhan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.06.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 03.04.2024

**ORIGINAL APPLICATION NO. 107 OF 2021
(Sukhdeo T. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 212 OF 2022
(Shantilal M. More Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 505 OF 2022
(Najirabi Nasir Shaikh Miya Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 535 OF 2022
(Adikrao S. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 835 OF 2023
(Suddhodhan R. Sardar Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri R.B. Ade, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. In terms of the office objection about the territorial jurisdiction, learned counsel for the applicant seeks leave to withdraw the present Original Application with liberty to file the O.A. before the Tribunal having territorial jurisdiction.

3. Leave granted. Original Application stands disposed of as withdrawn with liberty to the applicant to file O.A. before the appropriate forum. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1105 OF 2023

(Gunaji D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri Alkesh Jadhav, learned counsel holding for Shri Ashish Rajkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 11.06.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 11.06.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 387 OF 2024
(Harshal D. Thombare Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri P.R. Nangare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 12.06.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 12.06.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. St. No. 365/2024 in O.A. St. No. 172/2024
(Dr. Surekha S. Totala Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks leave to replace the M.A., since the several details in respect of the prayers in the O.A. are not referred in the M.A. seeking condonation of delay.

3. Leave granted. The applicant is permitted to replace the M.A. within a period of two weeks.

4. S.O. to 16.04.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 819 OF 2019
(Kalim S. Shiklidar Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Smt. Sabahat T. Kazi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. By consent, S.O. to 17.04.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 03.04.2024

ORIGINAL APPLICATION NO. 1106 OF 2023
(Motiram T. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri Sagar Kasar along with Shri Sachin Patil, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. In terms of the order dated 27.03.2024 the present matter was again listed for hearing at the request of learned Chief Presenting Officer.

3. Heard both the sides.

4. Learned Chief Presenting Officer has pointed out the meeting of the Police Establishment Board and further also made oral submission in respect of the directives issued by the Election Commission of India.

5. Learned counsel for the applicant has also made his oral submissions in respect of the meeting of the Police Establishment Board and also other aspects.

6. The present matter is reserved for orders.

MEMBER (J)

M.A. No. 292/2022 in O.A. St. No. 1116/2022
(Shaikh Imran Shaikh Ahmed Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file synopsis of events. Time granted.

3. S.O. to 17.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.04.2024

M.A. No. 334/2023 in O.A. St. No. 744/2023
(Bansi S. Shejwal Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri S.V. Salve, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that during pendency of the present M.A., the applicant Shri Bansi Sakharam Shejwal died. Learned counsel thus seeks time to take appropriate steps in the matter. Time granted.

3. S.O. to 14.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 03.04.2024

ORIGINAL APPLICATION NO. 416 OF 2019
(Arjun M. Maskar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue fresh notices to the respondent Nos. 2 & 3, returnable on 24.06.2024, since learned counsel Shri S.D. Dhongde representing on behalf of respondent Nos. 2 and 3 is at present no more.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 24.06.2024.

8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

O.A. Nos. 895/2018, 209/2019, 643/2019, 696/2019, 96/2021, 127/2021, 369/2022, 551/2021, 165/2022, 145/2023, 690/2023 & 691/2023

(Murlidhar E. Sakhare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicants in all these O.As., S/shri D.M. Hange, A.P. Basarkar and Smt. Resha Deshmukh, learned Presenting Officers for the respondent authorities in respective O.As., Shri A.D. Gadekar, learned counsel for respondent Nos. 2 & 4 in O.A. No. 895/2018 and Shri S.D. Bhagwat, learned counsel holding for Shri G.B. Rajale, learned counsel for respondent No. 2 in O.A. No. 643/2019, are present.

Shri S.B. Mene, learned special counsel for respondents in O.A. No. 895/2018 and for respondent Nos. 2 to 4 in O.A. 209/2019 (**Leave Note**).

2. By consent, S.O. to 24.06.2024 for hearing.

MEMBER (J)

O.A. Nos. 670/2019, 734/2019, 1027/2019, 440/2020, 70/2021, 71/2021, 73/2021, 74/2021, 75/2021, 76/2021, 119/2021, 247/2021, 421/2021, 440/2021, 441/2021, 568/2021, 783/2021, T.A. 7/2022 (W.P. 6055/2022), 67/2022, 545/2022, 710/2022, 711/2022, 758/2022, 852/2022, 853/2022, 7/2023, 97/2023 & 202/2023
(Kaushalya B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

S/shri A.S. Tilve, Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, A.D. Gadekar, R.G. Nirmal, learned counsel holding for Shri S.S. Gangakhedkar, Avinash Khedkar, A.V. Thombre, learned counsel holding for Shri S.S. Thombre, K.B. Jadhav, B.R. Kedar, A.B. Rajkar, S.S. Dambe, Smt. Suchita Dhongde and Ms. Preeti Wankhade, learned counsel for the respective applicants in respective O.As., S/shri D.M. Hange, A.P. Basarkar and Smt. Resha Deshmukh, learned Presenting Officers for the respondent authorities in respective O.As., Shri M.P. Gude, learned counsel for respondent Nos. 3 & 4 in O.A. Nos. 70 & 71 both of 2021, Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent No. 4 in O.A. No. 76/2021, for respondent No. 3 in O.A. No. 421/2021, for respondent Nos. 3 to 5 in O.A. No. 568/2021, for respondent No. 3 & 4 in O.A. No. 783/2021 & 545/2022, are present.

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Shri A.M. Gholap, learned counsel for the applicant in O.A. No. 119/2021, Shri Amol Gandhi, learned counsel for the applicant in O.A. No. 67/2022 and Shri Ajay D. Pawar, learned counsel for respondent No. 3 in O.A. No. 1027/2019, are **absent**.

Shri S.B. Mene, learned counsel for respondent Nos 2 & 3 in O.A. Nos. 73/2021, 74/2021 & 75/2021, for respondent No. 2 in O.A. No. 247/2021 and for respondent Nos. 3 to 5 in O.A. No. 758/2022 (**Leave Note**).

2. By consent, S.O. to 25.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 732 OF 2023
(Prabhakar T. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Though by order dated 07.03.2024, the present Original Application is allowed for the reasons to follow, however while perusal of the file and annexures for recording the reasons, it appears that by order dated 16.12.2007; the applicant was inflicted with the punishment of dismissal from service in terms of the conclusions drawn in the Departmental Enquiry. Being aggrieved by the same, the applicant has preferred appeal/re-appeal before the appellate authorities. However, the said appeal/re-appeal came to be dismissed. Thereafter, the applicant has filed Revision Application before the Hon'ble State Minister Home. By order dated 10.12.2015, the then Hon'ble State Minister Home has set aside the dismissal order and instead directed stoppage of annual increments for a period of three years. In terms of the said order, the applicant came to be reinstated in service on 18.12.2015.

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O.A. No. 732/2023

However, the applicant remained not on duty including the period of suspension preceding of his dismissal. It further appears that by order dated 10.04.2017, the Government has regularized the said period for the purpose of his pensionary benefits, however granted 50% of full pay and allowances during the said absence period, which is almost eight years and some odd months. However, the said order is not placed on record by the applicant. It further appears that after retirement when the Pay Verification Unit has raised an objection about it, the revised pay fixation was done in terms of the aforesaid order, but till then the pensionary benefits were paid to the applicant. It appears that the recovery thus proposed and accordingly, the amount has been recovered for the said excess payment. It appears that the applicant has not specifically brought the factual aspect on record.

3. In view of above, it is necessary to list the present matter for rehearing on 08.04.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1155 OF 2022
(Sagar A. Zinzurde Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Shri L.V. Sangit, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant though ready to work out the matter, however, the respondents have not filed the reply.

3. Learned Presenting Officer is unable to make submissions since the file is missing. However, it is a fact that no reply has been filed by the respondents.

4. In view of above, the learned Presenting Officer is directed to keep the respondent No.2 i.e. Superintendent of Police, Ahmednagar or his authorized representative personally present on the next date to explain the same. Learned P.O. is also directed to inform the respondent No.2 to attend the next date of hearing along with relevant record in respect of compassionate appointment initially of the mother of the applicant and later on the present applicant.

5. S.O. to 03.05.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1050 OF 2023
(Manish M. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.04.2024 for hearing.

MEMBER (J)

**O.A.NOS. 832/2017, 773/2018, 894/2018,
896/2018, 102/2019, 198/2019, 208/2019,
376/2019 WITH 122/2018 WITH 558/2018
(Ramkrishna K. Mhaske & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicants in all these O.As., Smt. R.S. Deshmukh, Shri A.P. Basarkar & Shri D.M.Hange, learned Presenting Officers for the respondent authorities in respective O.As. and Shri N.U. Yadav, learned counsel for respondent No.4 in O.A.No. 208/2019, are present.

Shri S.B. Mene, learned counsel for respondent No.2 in O.A.No. 773/2018, for respondent Nos. 3 & 4 in O.A.No. 894/2018 and for respondent Nos. 2, 4 & 5 in O.A.No. 198/2019 has filed a **leave note**. None present for respondent Nos. 2 & 3 in O.A.No. 102/2019.

2. S.O. to 24.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 512 OF 2020
(Shubash L. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri S.C. Bhosale, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 21.06.2024 as a last chance for final hearing.

MEMBER (J)

sas ORAL ORDER 03.04.2024

**ORIGINAL APPLICATION NO. 482 OF 2022
(Ganesh V. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 11.06.2024 as a last chance for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 484 OF 2022
(Jayendra P. Ahire Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri S.U. Chaudhari, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 12.06.2024 as a last chance for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 631 OF 2021
(Shamsundar K. Suryawanshi Vs. State of Maharashtra &
Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri V.C. Solshe, learned counsel for respondent Nos. 2 & 3, is **absent**.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No.1. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 24.06.2024.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 808 OF 2024
(Uttam Bhavlal Dighule Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. **By keeping the interim relief open**, issue notice to respondents, returnable on 02.05.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St.No. 808/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 02.05.2024.

8. Till then the applicant to remove the office objection, if any.

9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 03.04.2024

ORIGINAL APPLICATION NO. 276 OF 2023
(Dr. Shivaji G. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

Shri Umesh S. Mote, learned counsel for respondent No. 4, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 02.05.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 782 OF 2021
(Dhrupatrao P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri G.J. Pahilwan, learned counsel for the applicant and Shri A.B. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.05.2024 for hearing.

MEMBER (J)

**O.A. NOS. 623, 624, 625 & 626 ALL OF 2023
(Taufik Ali Shaukat Ali & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri S.S. Kulkarni, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. Learned counsel for the applicants submits that the applicants are not willing to file any rejoinder.

3. Pleadings completed. List the matters for admission hearing on 24.06.2024.

MEMBER (J)

sas ORAL ORDER 03.04.2024

**O.A.NOS. 387/2016, 578/2016, 580/2017,
581/2017, 962/2017, 710/2018, 124/2019,
125/2019, 126/2019, 127/2019, 264/2019,
478/2019, 540/2019 AND 200/2021
(Dr. Nomani Muhammed Mufti Tahair & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Smt. Vinaya Muley-Dharurkar, Smt. Suchita Dhongde, S/Shri M.B. Kolpe, A.S. Bayas, P.B. Patil, B.R. Kedar, A.S. Deshmukh, P.R. Tandale & Shri A.S. Khedkar, respective learned counsel for the applicants in respective O.As., S/Shri D.M. Hange, A.P. Basarkar and Smt. R.S. Deshmukhe, learned Presenting Officers for the respondent authorities in respective O.As., D.T. Devane, learned counsel for applicant in O.A.No. 581/2017 and for respondent Nos. 2 to 5 in O.A.No. 578/2016 and Shri S.B. Patil, learned counsel for respondent Nos. 4 & 5 in O.A.No. 200/2021, are present.

Shri D.K. Dagadkhair, learned counsel for applicants in O.A.Nos. 124 to 127 all of 2019 has filed a **leave note**.

2. S.O. to 25.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1068 OF 2023
(Gunaji G. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 03.04.2024

ORAL ORDER :

Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to other side.

3. Learned Presenting Officer submits that the respondent Nos. 1 & 3 are adopting the affidavit in reply filed on behalf of respondent No.2 who is the Collector, Parbhani.

4. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 24.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO.886/2022, 887/2022 &
921/2022**
(Shriniwas P. Karve in all O.As.Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 03.04.2024

ORAL ORDER :

Shri S.M.Kulkarni, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply. Request is opposed by the learned Counsel for granting any further time. Record shows that due opportunities are already availed.

3. Hence, list the matters for hearing on 06-05-2024.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

M.A.NO.24/2024 IN O.A.NO.390/2022
(Rajdeepsingh G. Sardar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri V.V.Kabade, learned Counsel holding for Shri Rahul R. Karpe, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant on instructions seeks leave to withdraw the present M.A. Hence, the following order:

ORDER

M.A. stands disposed of since withdrawn without any order as to costs.

3. O.A. to come up on 19-06-2024.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

**O.A.NOS.997, 998, 999, 1000, 1001, 1002, 1003,
1004, 1006, 1097 & 1098 ALL OF 2019**
(Dr. Ahmed Munibuddin & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 03.04.2024

ORAL ORDER :

Shri M.R.Kulkarni, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Presenting Officer, S.O. to 10-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.270/2024
(Santosh M. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri M.S.Taur, learned Counsel for Respondent no.4-Caveator, are present.

2. Learned Counsel for respondent no.4 submits that during the course of day the affidavit in reply will be filed. If it is filed it be taken on record. Copy thereof be served on the other side.

3. Learned CPO seeks time to file reply. Time is granted till 02-05-2024.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.208/2024
(Sangita A. Chitale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Heard Shri R.C.Bhramhankar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. On request of learned Counsel for the applicant, **issue fresh notice** to respondents, returnable on 19-06-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 19-06-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

C.P.NO.11/2024 IN O.A.NO.372/2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. 30-04-2024.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

T.A.NO.15/2024 (W.P.NO.1674/2024)
(Vijaykumar A. Naik Vs. State of Maharashtra & Ors.)

T.A.NO.16/2024 (W.P.NO.1688/2024)
(Shivaji R. Potdar Vs. State of Maharashtra & Ors.)

T.A.NO.17/2024 (W.P.NO.1701/2024)
(Ramesh M. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri Krushna Solanke, learned Counsel holding for Shri A.L.Lavte, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. to take instructions whether the final order of punishment has been passed in these matters and make submission on the next date.

3. S.O. to 15-04-2024.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.390/2024
(Sunita V. Pawal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Heard Shri M.S.Bhosle, learned Counsel for the applicant, Shri V.G.Pingle, learned Presenting Officer for the respondent authorities and Shri R.C.Bramhankar, learned Counsel for respondent no.4.

2. Issue notice to respondents, returnable on 02-05-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 02-05-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.701/2024
(Dattatray D. Sonune Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Heard Shri Amol R. Gaikwad, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Counsel on instructions seeks leave to withdraw the present O.A. with liberty to file fresh O.A. if contingency so arises after the seniority list is finalized or promotions are effected. Hence, the following order:

ORDER

O.A. stands disposed of as withdrawn with liberty as prayed for. No costs.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.234/2023
(Navnath B. Anwane Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri Sachin S. Deshmukh, learned Counsel for the applicant is **absent**. Shri V.G.Pingle, learned Presenting Officer for the respondent authorities is present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.1 and 2. It is taken on record. Learned P.O. undertakes to serve copy of the reply on the other side.

3. S.O. to 23-04-2024.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1091/2023
(Bharti Dinkar Sarwade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri L.V.Sangit, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.13/2024
(Ganesh Tejrao Saaste Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri S.S.Tandale, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.755/2022
(Sopan Ramrao Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 22-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.49/2023
(Sagar Subhash Patil Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

M.A.NO.443/2022 IN O.A.ST.NO.1705/2022
(Chimlya Tivadya Bhil & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO.558/2022 IN M.A.ST.NO.2056/2022 IN
O.A.ST.NO.2057/2022
(Janya M. Patale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Shri Y.H.Jadhav, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Chief Presenting Officer and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-04-2024 as a last chance for filing reply.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1120/2023
(Satule Chetan Virabhadra & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Heard Shri Samir Vaidya, learned Counsel holding for Shri B.N.Magar Patil, learned counsel for the applicants, Shri Sanjeev B. Deshpande, learned Senior Counsel for the respondent State authorities, Shri Bhargav B. Kulkarni, learned Counsel holding for Shri Bhushan B. Kulkarni, learned Counsel for respondent no.2 and Shri A.S.Deshmukh, learned Counsel along with Shri Rahul R. Awhad, learned Counsel for respondent nos.4 and 5.

2. Arguments are concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

**M.A.87/2024 IN O.A.145/2024 WITH CAVEAT 43 TO 70/2024
(Ramesh V. Badbe & Ors., Sushant M. Patil & Ors. Vs. State of
Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Counsel for applicants in O.A.No145/24 & M.A.No.87/2024, Shri Sanjeev B. Deshpande, learned Senior Counsel for the respondent State authorities, Shri A.S. Deshmukh along with Shri Rahul R. Awhad, learned Counsel for respondent nos.3 to 6 and Shri Sangharsh V. Waghmare, learned Counsel for other private respondents.

2. Arguments are concluded. Reserved for order.

MEMBER (A)

YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.729/2024
(Santosh Balasaheb Todekar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 03.04.2024

ORAL ORDER :

Heard Shri M.S.Choudhari, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Grievance of the present applicant is that he has not been given an opportunity to submit EWS Certificate on record. As is revealing from the documents the applicant though applied from EWS category did not submit the appropriate EWS Certificate as provided under G.R. dated 31-05-2021 and that is the reason that he has not been considered. Learned Counsel for the applicant submitted that when the applicant was allowed to appear for the examination and objection was not raised, now respondents cannot deny opportunity to the applicant on the ground that he did not submit EWS Certificate on record.

3. The contention so raised is liable to be rejected at the threshold. Entire compliance is seen at the

time of documents verification. In the advertisement, there is a specific clause which put the candidates under obligation to comply with all the conditions prescribed in the advertisement. One of the conditions is that candidates seeking benefit of EWS must be possessing requisite certificate in the appropriate format on the date of filing the application and must produce the same on the date of scrutiny of documents.

4. As provided in the G.R. dated 12-02-2019, the candidates who desire to avail the benefit of EWS category are under an obligation to possess Non-Creamy Layer Certificate evidencing that total income of family of the said candidate for the accounting year preceding the year in which the advertisement is published, was not more than 8,00,000/- (Rs. Eight lacs only). In the present matter, advertisement was published on 08-06-2023. The candidates were, therefore, under an obligation to possess and accordingly place on record for verification the certificate evidencing that income of family of the said candidate for the year 2022-23 was not more than Rs.8,00,000/-.

5. The applicant has placed on record certificate issued on 17-11-2022 which is pertaining to the year 2021-22. It is thus evident that the said certificate was not in compliance with the conditions as incorporated in the advertisement as well as in the G.R. dated 12-02-2019. Another certificate which has been filed on record by the applicant is dated 30-01-2024. No doubt, the said certificate is certifying income of family of the candidate for the accounting year 2022-23 as less than Rs.8,00,000/- . However, admittedly, the said certificate was not possessed by the applicant on the last date of submitting the application in pursuance of the advertisement dated 08-06-2023 nor was it produced on record by the applicant at the time of scrutiny of the documents.

6. Having considered the facts as aforesaid, it does not appear to us that any error has been committed by the respondents in not including the name of the applicant in the list of selected candidates from EWS category. In the aforesaid circumstances, it does not appear to us that any case is made out by the applicant even for issuing

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O.A.ST. NO.729/2024

notice to the respondents in the present matter. Therefore, the O.A. deserves to be dismissed summarily. Accordingly, it stands dismissed. No costs.

MEMBER (A)

YUK ORAL ORDER 03.04.2024

VICE CHAIRMAN