

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>O.A.No.342 of 2022</p> <p>S.S. Chinchkar.Applicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. C.T. Chandratre, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that affidavit-in-reply is already filed.</p> <p>3. Adjourned to 03.10.2022 for filing rejoinder.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>O.A.No.793 of 2022</p> <p>M.D. PatilApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Amruta Kharade, learned Advocate holding for M/s Talekar & Assoc., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Adjourned to 12.09.2022. Learned C.P.O. to give the copy of reply to the learned Advocate in advance. Interim relief, if any, to be continued till next date.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>O.A.No.796 of 2022</p> <p>V.A. BhowadApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. Amruta Kharade, learned Advocate holding for M/s Talekar & Assoc., learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Adjourned to 12.09.2022. Learned C.P.O. to give the copy of reply to the learned Advocate in advance. Interim relief, if any, to be continued till next date</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p align="center">O.A.No.381 of 2018</p> <p>M.A. AvhadApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the applicant. Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Mr. A.A. Desai, learned Advocate for the Respondents No.6 to 18</p> <p>2. Learned C.P.O. submits that reply is already filed.</p> <p>3. Adjourned to 07.09.2022 under the caption for 'Due Admission'.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 05.09.2022 Tribunal's orders C.A.No.22 of 2021 in O.A.No.21 of 2017</p>
	<p>A.A. PawarApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. to file affidavit-in-reply during the course of the day in compliance with the order dated 01.08.2022.</p> <p>3. Adjourned to 19.09.2022</p> <p>Sd/- , Sd/- (Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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	<p>Date : 05.09.2022</p> <p align="center">C.A.No.47 of 2021 in O.A.No.280 of 2017 with O.A.No.241 of 2019</p> <p>V.V. PunathilApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. produces the letter dated 25.08.2022 from the office of Accountant General stating that the pension of the applicant has been decided. Copy of the said letter is handed over to the learned Advocate for the Applicant.</p> <p>3. Department is required to deposit pensionary benefits including gratuity in the account of the Applicant.</p> <p>4. Adjourned to 19.09.2022</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Original Application No. _____ of 20 _____ DISTRICT _____ Applicant/s

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>M.A.No.670 of 2018 in O.A.No.1141 of 2018</p> <p>G.V. NaikApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. R.M. Kolge, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant seeks time as he would like to take instructions from the Applicant in respect of seniority list as the M.A. is of the year 2018.</p> <p>3. Adjourned to 19.09.2022 at the request of learned Advocate.</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>O.A.No.664 of 2018</p> <p>A.P.B. LoharApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. None for the applicant. Heard Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents</p> <p>2. Last chance is granted to learned P.O. to file reply. If reply is not filed on or before next date, matter will proceed without reply of Home Department.</p> <p>3. Adjourned to 19.09.2022</p> <p>Sd/- (Medha Gadgil) Member(A)</p> <p>Sd/- (Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 05.09.2022 Tribunal's orders O.A.No.817 of 2021</p>
	<p>D.C. Rathod & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Mr. A.J. Chougule, learned Presenting Officer for the Respondents</p> <p>2. Admit, with liberty to file rejoinder if any.</p> <p>3. Adjourned to 07.11.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

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The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Date : 05.09.2022 Tribunal's orders O.A.No.831 of 2021</p>
	<p>S.D. GiriApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Admit, with liberty to file rejoinder if any.</p> <p>3. Adjourned to 07.11.2022</p> <p>Sd/- Sd/</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

Date : 05.09.2022

O.A.No.468 of 2022

V.A. BhosaleApplicant
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate Mr. Rajas A. Naik filed vakalatnama on behalf of Respondent No.4. Taken on record.

3. Learned C.P.O. submits that reply of Respondent No.3 is already filed and seeks time to file reply of Respondents No.1 and 2.

4. By way of last chance time granted to file reply of the Respondents. Reply to be given to learned Advocate well in advance.

5. Four weeks time granted to learned Advocate Mr. Naik to file reply.

6. Adjourned to 19.09.2022.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 05.09.2022</p>
	<p>O.A.No.346 of 2022</p> <p>S.W. ShindeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. N.M. Pujari, learned Advocate for the Applicant, Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents and Mr. R.V. Shinde, learned Advocate for the Respondents No.5, 7 and 9.</p> <p>2. Last chance granted to learned P.O. to file affidavit-in-reply. If reply not filed on or before next date, matter will proceed without reply.</p> <p>3. Learned Advocate Mr. Shinde request for four weeks time to file rejoinder. Copy to be served to the concerned will in advance.</p> <p>4. Adjourned to 26.09.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT
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(Advocate

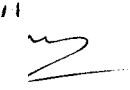
versus

The State of Maharashtra and others

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(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p align="center">O.A.No.590 of 2022</p> <p>B.B. KhadkeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Officer from the Commissioner State Excise is hereby directed to send a responsible officer having knowledge of this case today.</p> <p>3. Today at 2.30 p.m.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>M.A.No.514 of 2022 in O.A.No.814 of 2022 with M.A.No.512 of 2022</p> <p>I.A. Pawar (M.A.514/2022) G.A. Charan & Ors. (O.A.No.814/2022) T.R. Avad & Ors. (M.A.512/2022)Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. S.S. Dere, learned Advocate for the Applicant in M.A.No.514/2022, Mr. M.D. Lonkar, learned Advocate for the Applicant in M.A.No.512/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate Mr. Dere submits that M.A.No.514/2022 is filed seeking intervention to add Mr. I.A. Pawar as Respondent in O.A.No.814/2022. In view that Mr. I.A. Pawar is added as Respondent No.12 in the array of Respondents O.A.No.814/2022, M.A.No.514/2022 has become infructuous and is to be disposed of as</p> <p>3. M.A.No.514/2022 hereby stands disposed of.</p> <p>4. Learned Advocate Mr. Lonkar appearing for the Applicants in M.A.No.512/2022 is already added as Respondents No.7, 10, 11 and 13 in the array of Respondents in O.A.No.814/2022. He submits that the said Respondents are the one who belong to SEBC category and seek reservation in EWS by way of migration.</p> <p>5. At the request of learned Advocate appearing on behalf of learned Advocate Ms. Shaikh matter is kept back.</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">(Medha Gadgil) Member(A)</p> <p style="text-align: center;">Sd/- </p> <p style="text-align: center;">(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

LATER ON :

Date : 05.09.2022

**O.A.No.814 of 2022 with M.A.No.512 of 2022
With
M.A.No.526 of 2022 in O.A.No.280 of 2022
With
O.A.No.280 of 2022 with O.A.No.281 of 2022**

G.A. Charan & Ors. (O.A.No.814/2022)
T.R. Avad & Ors. (M.A.512/2022)Applicants
Vs.
The State of Maharashtra & Ors.Respondents.

1. Heard Mr. M.D. Lonkar, learned Advocate for the Applicant in M.A.No.512/2022, Mr. Lonkar along with learned Advocate Mr. S. Waghmare for the Applicant in M.A.No.526/2022 in O.A.No.280/2022 and for Respondent No.3 to 8 in O.A.No.280/2022, Ms. Aisha Shaikh, Yaseen, learned Advocate for the Applicant in O.A.No.814/2022, Mr. S.S. Dere, learned Advocate for the Respondent No.12 in O.A.No.814/2022 and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate Mr. Lonkar along with learned Advocate Mr. Waghmare submits that in O.A.No.814/2022 he will furnish the documents which the applicants are relying on to the concerned.

3. M.A.No.526/2022 is seeking intervention of 14 individuals.

4. Adjourned to 08 09.2022 at 10.30 a.m.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

prk

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(Presenting Officer.....)

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	<p>Date : 05.09.2022</p> <p>O.A.No.590 of 2022</p> <p>B.B. KhadkeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pursuant to the earlier order we call upon the Respondents to verify whether the applicant has joined his earlier posting at Pune between the period from 11.12.2019 to 10.08.2020.</p> <p>3. Adjourned to 22.09.2022.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) ✓ Member(A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>O.A.No.44 of 2022</p> <p>C.G. ShindeApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. U.V. Bhosle, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. The applicant seeks promotion on the ground of reservation for handicap persons in promotion as per Section 34 of the Rights of Persons with Disabilities Act, 2016.</p> <p>3. Respondent No.3, Private Party has developed arthritis. She has obtained certificate of suffering from arthritis upto 40% disability. However, she submitted that certificate on 08.06.2021. The G.R. dated 05.07.2021 about reservation in promotion to disabled persons, Clause 9 states about counting of seniority of the Government servants who suffer disability, from the date of his or her submission of the disabled certificate to the authority.</p> <p>4. Learned C.P.O. for the Respondents to verify the position.</p> <p>5. Adjourned 08. 09.2022.</p> <p>Sd/- _____ Sd/- _____ (Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p> <p>[P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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(Presenting Officer.....)

<p>Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders</p>	<p>Tribunal's orders Date : 05.09.2022</p>
	<p>O.A.No.830 of 2022</p> <p>A.B. Pakhare & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. Adjourned to 12.09.2022. Learned C.P.O. to give the copy of reply to the learned Advocate in advance.</p> <p>Sd/- / Sd/-</p> <p>(Medha Gadgil) / (Mridula Bhatkar, J.) Member(A) / Chairperson</p> <p>prk</p>

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>M.A.No.501 of 2022 in O.A.No.830 of 2022</p> <p>A.B. Pakhare & Ors.Applicants Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. D.B. Khaire, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents</p> <p>2. This is an application for leave to sue jointly.</p> <p>3. Considering the cause of action pursued by the Applicants is common, concurrent and usual, the cases are not required to be decided separately.</p> <p>4. In this view of the matter, the present Misc. Application is allowed subject to Applicants paying requisite court fees, if not already paid.</p> <p>5. M.A. is allowed.</p> <p>Sd/- _____ Sd/- _____</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 881 OF 2022

DISTRICT : SANGLI

Dr Shri Vaibhav D. Lamdhade)...**Applicant**

Versus

The Secretary, M.P.S. & Ors)...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

Mrs Medha Gadgil (Member) (A)

DATE : 05.09.2022

PER : Justice Mridula Bhatkar (Chairperson)

ORDER

1. The applicant working as Assistant Professor, Government Medical College, Miraj, challenges the communication dated 30.8.2022 holding him ineligible for applying to the post of Assistant Professor-General Medicine pursuant to the advertisement dated 13.8.2021.

2. Learned counsel for the applicant points out to the Certificate of Experience and educational qualification of the applicant. There is no dispute about the educational qualification. However, his experience as Assistant Professor is questioned by M.P.S.C on the ground that he has not worked as Senior Resident for one year. Learned counsel for the applicant relies on the directions given by the Medical Council of India dated 28.10.2020

wherein in Annexure-I(A) in Department of General Medicine, the hierarchy is mentioned as follows:-

Professor
Associate Professor
Assistant Professor
Sr. Resident.

3. Learned counsel for the applicant submits that the applicant was appointed as Assistant Professor in Government Medical College, Miraj, on 24.7.2019 and thereafter he continued on the said post. The applicant is working as Assistant Professor which is higher to the Senior Resident. Learned counsel for the applicant further relies on the note for the purpose of working out the deficiency, wherein it is mentioned that any excess teaching faculty in higher cadre can compensate the deficiency of lower cadre of the same department only.

4. Learned C.P.O submits that the applicant does not have experience of Senior Resident and therefore his case was not considered by M.P.S.C.

5. Prima facie, we find that there is substance in the submissions of the learned counsel for the applicant. We also considered the experience of 3 years put in by the applicant for the post of Assistant Professor for which he wishes to apply.

6. Under the circumstances, we direct the M.P.S.C to allow the applicant to appear for the interview which is going to be held on 7.9.2022. However, the same will be subject to the outcome of this Original Application.

7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

W

8. Issue notice before admission returnable on 3.10.2022.

9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

10. 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.

11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption **'for Dismissal'** and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."

13. S.O to 3.10.2022. Hamdast.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 05.09.2022

Dictation taken by : A.K. Nair.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO 882 OF 2022

DISTRICT : PUNE

Dr Priyanka N. Pachange

)...**Applicant**

Versus

The Secretary, M.P.S. & Ors

)...**Respondents**

Shri Shachank Shub ham a/w ;Shri Aniket A. Mukadam holding for Shri Anoop V. Patil, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

Mrs Medha Gadgil (Member) (A)

DATE : 05.09.2022

PER : Justice Mridula Bhatkar (Chairperson)

ORDER

1. The applicant working as Junior Resident, Government Medical College, Latur, for three years, challenges the communication dated 30.8.2022 holding him ineligible for applying to the post of Assistant Professor-Community Medicine.

2. Learned counsel for the applicant points out to the Certificate of Experience and educational qualification of the applicant. There is no dispute about the educational qualification. Learned counsel for the applicant submits the applicant worked as Junior Resident in Government Medical College, Latur for three years. Thereafter, from 29.7.2019 to 4.11.2020 the applicant has been working as Assistant Professor in Community Medicine/Prevention and Social Medicine in V.M Government



Medical College, Solapur. From 5.11.2020 till 25.10.2021 the applicant worked as Assistant Professor in Community Medicine in B.J Government Medical College, Pune.

4. Learned C.P.O submits that the applicant does not have the necessary experience and therefore his case was not considered by M.P.S.C.

5. Prima facie, we find that there is substance in the submissions of the learned counsel for the applicant. We also considered the experience of 3 years put in by the applicant for the post of Assistant Professor for which he wishes to apply.

6. Under the circumstances, we direct the M.P.S.C to allow the applicant to appear for the interview which is going to be held on 5th, 6th or 7th September, 2022. However, the same will be subject to the outcome of this Original Application.

7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

8. Issue notice before admission returnable on 3.10.2022.

9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

10. 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.

11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '**for Dismissal**' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."

13. S.O to 3.10.2022. Hamdast.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai

Date : 05.09.2022

Dictation taken by : A.K. Nair.

D:\Anil Nair\Judgments\2022\01.09.2022\O.A 881.22, Interview challenged, Int order DB. 09.22 Chairperson and Member, A.doc

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 877 OF 2022

DISTRICT : THANE

Shyam M. Ambalkar
Pravinkumar D.Ukhlikar)...**Applicants**

Versus

The State of Maharashtra & Ors)...**Respondents**

Shri S.S Deokar, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : **05.09.2022**

PER : **Justice Mridula Bhatkar (Chairperson)**

ORDER

1. The applicants who are working as Principal (Junior), Class-I in I.T.I, challenges the select list dated 26.8.2022 of the officers eligible for promotion to the post of Principal (Senior), Class-I. The applicants were appointed in the year 2001 based on the same educational qualification.

2. Learned counsel for the applicants submit that the seniority list was published on 13.1.2022 and the applicant no. 1 was shown at Sr. No. 12 and applicant no. 2 was shown at Sr. No. 17. The applicants have no grievance for the said seniority list. However, thereafter, the Respondent-State decided to fill up 48 posts of Principal (Senior) which is a promotional post to Principal (Junior). Pursuant to that a select list of 48 candidates who are from the feeder cadre of Principal (Junior) was prepared. In that select list the names of the applicants are now appearing. Learned counsel for the applicants points out that as per the Regulation/Notification of All India Council of Technical Education dated 28.4.2017, in the major Discipline of Engineering /Technology,

Production Engineer is shown as equivalent to Bachelors Degree in Electrical or Mechanical Engineering. Learned counsel for the applicants has submitted that the applicants were appointed as Principal (Junior) by accepting the above educational qualification as Bachelors Degree in Electrical or Mechanical Engineering.

3. Learned C.P.O for the Respondents has submitted that the candidature of the applicants for promotion to the post of Principal (Senior) was rejected on the ground that the applicants do not possess Bachelors Degree in Electrical or Mechanical Engineering, as specified in Rule 3 (a) & (b) of the Recruitment Rules dated 16.2.1989. Learned C.P.O informed that the applicants hold Bachelors Degree in Engineering (Production).

4. We agree that the Regulations issued by the AICTE are to be accepted by the Respondent-State, and thereafter, they can be implemented. However, it is necessary for the Respondent-State to file specific affidavit in reply as to why the equivalence as notified on 28.4.2017 by AICTE was not accepted by the Respondent-State to the post of Principal (Senior).

5. Learned C.P.O seeks time to file affidavit in reply.

6. In view of the above, we direct the Respondents to keep two posts of Principal (Senior) vacant and any promotions made hereafter will be subject to the outcome of this Original Application.

7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

8. Issue notice before admission returnable on 3.10.2022.

9. Applicant is authorized and directed to serve on Respondent intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed.

Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

10. 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.

11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

12. In case notice is not collected within **seven** days or service report on affidavit is not filed **three** days before returnable date, the Original/Miscellaneous Application shall be placed on board before the concerned Benches under the caption '**for Dismissal**' and thereafter on the subsequent date the Original/Miscellaneous Applications shall stand dismissed."

13. S.O to 3.10.2022. Hamdast.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 05.09.2022
Dictation taken by : A.K. Nair.

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.529 of 2022 in O.A. No.877 of 2022</u></p> <p>S.M. Ambalkar & Anr. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard S.S. Deokar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. CPO submits that one of the applicants i.e. Applicant No.2 Shri Pravinkumar D. Ukhlikar is from Jalna and therefore the territorial jurisdiction for this applicant is before the Aurangabad Bench of this Tribunal.</p> <p>3. We turn down the objection and allow the applicants to sue jointly.</p> <p>4. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.</p> <p align="right">Sd/-</p> <p align="center">(Medha Gadgil) / (Mridula Bhatkar, J.) Member (A) Chairperson 5.9.2022 5.9.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

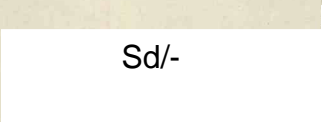
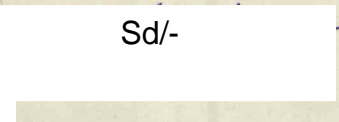
of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.418 of 2022 in O.A. No.544 of 2022</u></p> <p>P.S. Lakeshri ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri S.S. Deokar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The matter is under the caption of 'For Dismissal' for want of service.</p> <p>3. Ld. Advocate for the applicant submits that he will serve all the respondents and file affidavit of service.</p> <p>4. S.O. to 12.9.2022.</p> <p align="center">   </p> <p align="center"> (Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 5.9.2022 5.9.2022 </p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>O.A.No.483 of 2022</p> <p>M.G. PrajapatApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Ms. S. Suryavanshi, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents and Ms. Punam Mahajan learned Advocate for the Respondent No.7</p> <p>2. Interim relief to continue till next date.</p> <p>3. Adjourned to 08.09.2022.</p> <p>Sd/- Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 05.09.2022</p> <p>C.A.No.16 of 2018 in O.A.No.670 of 2016</p> <p>Dr. C.G. GaikwadApplicant Vs. The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Mr. Bhushan A. Bandiwadkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Leaned C.P.O. on instructions from Legal Officer from the office of Public Health Department, Mr. Zopde, submits that the matter is still pending with the M.P.S.C.</p> <p>3. Matter fixed on 06.09.2022 for compliance. Mr. Zopde to remain present tomorrow.</p> <p style="text-align: center;">Sd/- Sd/-</p> <p style="text-align: center;">(Medha Gadgil) (Mridula Bhatkar, J.) Member(A) Chairperson</p> <p>prk</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

IN

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.480 of 2019</u></p> <p>J.R. Sagre ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Presenting Officer for the Respondents. None for the Applicant.</p> <p>2. Matter called out. Advocate for the applicant is not present.</p> <p>3. S.O. to 28.9.2022.</p> <p align="center">Sd/- Sd/-</p> <p align="center">(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 5.9.2022 5.9.2022</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

I N

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders				
	<p><u>O.A. No.255 of 2021</u></p> <p>N.K. Jadhav & Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents. None for the Applicants.</p> <p>2. Matter called out. Advocate for the applicants is not present.</p> <p>3. Later on Ms. Amruta Kharade i/b. Talekar & Associates, learned Advocate appears for the Applicants.</p> <p>4. S.O. to 15.9.2022.</p>				
	<table border="0"> <tr> <td align="center">Sd/-</td> <td align="center">Sd/-</td> </tr> <tr> <td align="center">(Medha Gadgil) Member (A) 5.9.2022</td> <td align="center">(Mridula Bhatkar, J.) Chairperson 5.9.2022</td> </tr> </table>	Sd/-	Sd/-	(Medha Gadgil) Member (A) 5.9.2022	(Mridula Bhatkar, J.) Chairperson 5.9.2022
Sd/-	Sd/-				
(Medha Gadgil) Member (A) 5.9.2022	(Mridula Bhatkar, J.) Chairperson 5.9.2022				
	(sgj)				

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

Date : 05.09.2022

O.A.No.312 of 2022 with O.A.No.577 of 2022

R.N. More & Ors. (O.A.312/2022)

S.S. Bhagat & Ors. (O.A.577/2022)Applicants
Vs.

The State of Maharashtra & Ors.Respondents.

1. Heard Ms. Punam Mahajan, learned Advocate for the Applicants and Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. Learned P.O. files affidavit-in-reply in O.A.No.577/2022 on behalf of Respondent No.5, Director Sainik Welfare Department. She submits that no reply is filed on behalf of Respondent No.1, G.A.D. and other Respondent-Departments. She submits that in O.A.No.577/2022, Respondent No.4 Divisional Joint Director of Agriculture Department has already filed reply.

4. Pursuant to order dated 22.07.2022 matter to proceed on the next date without reply of G.A.D.

5. Learned P.O. submits that para-wise reply by Respondent No.3 is prepared in O.A.No.312/2022 and it is submitted for the approval, hence she needs two weeks time.

6. Time granted. Adjourned to 19.09.2022.

Sd/-

(Medha Gadgil)
Member(A)

Sd/-

(Mridula Bhatkar, J.)
Chairperson

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

I N

Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.878 of 2022</u></p> <p>Dr. Rupali R. Rajput ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Mr. A.A. Desai, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant prays that applicant be allowed to appear for interview to the post of Assistant Professor, Preventive and Social Medicine/Community Medicine, as per advertisement No.57/2021 dated 13.8.2021, which is going to take place on 5th, 6th and 7th September, 2022. Applicant has completed her M.D. in 2017 specializing in Preventive and Social Medicine/Community Medicine.</p> <p>3. We have earlier dealt with similar issue and we have allowed the applicants in OA No.834 of 2022 (Dr. V.N. Waghmare & Ors. Vs. The State of Maharashtra & Ors.) by order dated 23.8.2022 having identical certificates to appear for the interview. Hence, we pass the similar order as follows.</p> <p>4. Learned Advocate submits that the applicant's application is rejected by the M.P.S.C. on the ground that she does not have the requisite experience of one year. However Applicant hold the experience certificate dated 25.02.2019 issued by the Directorate of Medical Education & Research, which clearly states that the Applicant has worked as Senior Resident for the period of one year. The said certificate clearly states that the Applicant has served the Government of Maharashtra as Senior Resident for the period of one year after completion of postgraduate studies.</p> <p>5. Learned P.O. submits that M.P.S.C. has refused the application on the ground that she has not completed the mandatory one year, but she has completed only 364 days. Learned P.O. points out that even in the application form the</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

applicant has stated that she has completed 11 months and 29 days.

6. Considering the fact that there is deficit of only one day, this is merely the matter of expression and moreover the certificate issued by the DMER clearly states that she has completed her bonded services as Senior Resident for the period of one year.

7. In view of this, the applicant is allowed to appear for the interview which is scheduled to be held on 5th, 6th and 7th September, 2022.

8. Adjourned to 07.09.2022 for learned P.O. to file affidavit-in-reply. Hamdast.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)
5.9.2022

(Mridula Bhatkar, J.)
Chairperson
5.9.2022

(sgj)