

O.A.No.159/2020 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri P.P.Khaparde, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Respondent no.4 has already filed reply. As per the submission of learned P.O., respondents 2 and 3 are adopting the reply filed by respondent no.4. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

4. **S.O. 12.06.2024.**

Vice Chairman

rsm.

O.A.No.221/2022 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

None present for the applicant. Shri A.P.Potnis, Id. P.O. for the respondents.

2. Respondents 3 and 4 have already filed reply. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

4. **S.O. 13.06.2024.**

Vice Chairman

rsm.

O.A.No.1032/2023 (S.B.)

Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.

Dated : 10/05/2024.

None present for the
applicant.Smt.S.Khobragade, ld. P.O. for the
respondents.

2. At the request of ld. P.O., **S.O. after
summer vacation for filing reply.**

Vice Chairman

rsm.

**O.A.No.1058/2023 with O.A.No.1117/2023
(S.B.)**

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

None present for the
applicants.Smt.S.Khobragade, ld. P.O. for the
respondents.

2. The learned P.O. has filed letter dated
05.04.2024 in O.A.No.1117/2023. It is marked
Exhibit-X for identification along with other
documents.

3. **S.O. 11.06.2024.**

Vice Chairman

rsm.

O.A.No.1238/2023 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri P.P.Khaparde, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondent no.4. It is taken on record. As per his submission, it is sufficient to decide the O.A.. The O.A. is **admitted** and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

4. **S.O.13.06.2024.**

Vice Chairman

rsm.

O.A.No.08/2024 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri N.R.Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. after summer vacation for filing reply.**

Vice Chairman

rsm.

O.A.No.470/2024 (S.B.)

(Santosh S/o Bhivsan Satbhakre Vs. the State of Maharashtra and Others.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated : 10/05/2024.

Heard Shri S.M.Khan, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. The learned counsel for the applicant insisted to grant interim relief by granting stay to the impugned suspension order. As per his submission, false complaint was lodged against the applicant. He has filed one O.A. against the respondents. Therefore, he is illegally suspended by the respondents. Hence, prayed to grant stay to the suspension order.

3. The learned C.P.O. has submitted that specific reason about the misconduct is given in the suspension order dated 28.03.2024. Therefore, interim relief cannot be granted.

4. From the perusal impugned suspension order, it appears that the applicant has committed misconduct. The respondents are at liberty to initiate the departmental enquiry and find out the truth in respect of the alleged the misconduct. Hence, interim relief cannot be granted.

5. Issue notice to Respondents, returnable **on 05.07.2024.** Learned C.P.O. waives notice for State. Hamdast allowed.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier 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.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. **S.O. 05.07.2024.**

12. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.1046/2021 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri N.R.Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O.02.07.2024.**

Vice Chairman

rsm.

O.A.No.439/2023 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri M.R.Khan, ld. counsel for the applicant
and Shri M.I.Khan, ld. P.O. for the respondents.

2. At the request of ld. counsel for the
applicant, **S.O.18.06.2024.**

Vice Chairman

rsm.

O.A.No.596/2023 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri A.M.Motlag, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. after summer vacation.**

Vice Chairman

rsm.

O.A.No.693/2023 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Shri P.P.Khaparde holding for Shri
G.G.Bade, ld. counsel for the applicant and Shri
A.P.Potnis, ld. P.O. for the respondents.

2. At the request of ld. counsel for the
applicant, **S.O.11.06.2024.**

Vice Chairman

rsm.

O.A.No.806/2017 (S.B.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

None present for the applicant. Shri M.I.Khan, ld. P.O. for the respondents.

2. On 07.05.2024, the O.A. was heard and at the request of learned counsel for the applicant time was granted and the O.A. was fixed on 09.05.2024. On 09.05.2024, none appeared for the applicant. Today also none appeared for the applicant. On the next date, O.A. will be decided on merit.

3. **S.O. 13.06.2024.**

Vice Chairman

rsm.

O.A.No.455/2024 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Heard Shri G.S.Kidambi, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. The learned P.O. is requested to get instructions as to why provisional pension is stopped.

3. The learned counsel for the applicant prayed to grant stay to the departmental enquiry. At this stage departmental enquiry cannot be stayed.

4. Issue notice to Respondents, returnable **on 02.07.2024.** Learned P.O. waives notice for State.Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

7. 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.

8. The service may be done by Hand delivery, speed post, courier 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.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. 02.07.2024.**

11. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.424/2024 (D.B.)

(Rohini D/o MeghshyamHalmare Vs. the State of Maharashtra and two others.)

**Coram: Hon'bleShri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Heard Shri H.M.Bobade, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. On the last date, learned C.P.O. was directed to get instructions. He has submitted that on oral instruction the applicant is not selected because she had not produced verified Sports Certificate.

3. The learned counsel for the applicant has submitted that similar candidate namely Divya Diliprao Mahajan had given undertaking to produce the verified Sports Certificate and she was selected. The applicant is having verified Sports Certificate. It is filed on record.

Hence, the respondents are directed to keep one post vacant till next date.

4. Issue notice to Respondents, returnable **on 24.06.2024**. Learned C.P.O. waives notice for State.Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

7. 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.

8. The service may be done by Hand delivery, speed post, courier 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.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. 24.06.2024.**

11. **Steno copy is granted.**

Vice Chairman

rsm.

O.A.No.478/2024 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated : 10/05/2024.

Heard Shri M.R.Khan, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. Issue notice to Respondents, returnable **on 03.07.2024.** Learned C.P.O. waives notice for State.Hamdast allowed.

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. 03.07.2024.**

Vice Chairman

rsm.

O.A.No.1034/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri P.P.Khaparde, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to after summer vacation for filing reply.**

Date:- 10/05/2024.
aps.

Member (J)

M.C.A.No.11/2024inO.A.No.534/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to after
summer vacation.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.872/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri P.P.Khparde, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondents 1 to 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. to after summer vacation.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member (J)

Date:- 10/05/2024.
aps.

O.A.No.589/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to after summer vacation for filing reply.**

3. **Interim order to continue till filing of the reply.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.734/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents 1 to 3. None for the R-4.

2. Reply of respondent no. 2 filed by ld. P.O.. It is taken on record. Copy is served to the other side.

3. Time is sought to file reply of respondent no. 3.

4. Matter is **admitted** and kept for final hearing.

5. **S.O. 03rd week of June, 2024.**

6. It would be open to the respondents to file reply of respondent no. 3 on the returnable date.

7. **Interim order to continue till final decision.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.1065/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri G.K.Bhusari holding for Shri D.M.Kakani, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondents 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. 01st week of July, 2024.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member (J)

Date:- 10/05/2024.

aps.

O.A.No.96/2024 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Ms. Lanjewar holding for Shri N.R.Saboo, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notice for the respondents.

5. **S.O. 02nd week of June, 2024.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member (J)

Date:- 10/05/2024.
aps.

O.A.No.166/2024 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri R.M.Fating, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents.

2. It is pointed out that direction given to respondent no. 2 to decide representation of the applicant dated 04.01.2024 does not appear to have been obeyed. Ld. P.O. shall inform respondent no. 2 to decide said representation before returnable date in case it is not already decided.

3. On oral request of ld. P.O., **S.O. to 21.06.2024 for instructions.**

4. **Steno copy is granted.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.338/2024 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri S.S.Deshpande, ld. counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the Respondents. Await service of R-2 to 4.

2. It is submitted that chronology of events will make it apparent that criminal case is filed against the applicant with ulterior motive. This has been stoutly disputed by ld. P.O.. Today ld. P.O. has sought time to file reply. Considering contentions of the applicant it would be necessary to decide the O.A. finally at the earliest. Time is granted to the ld. P.O. to file reply till 12.06.2024. In case no reply is filed on 12.06.2024, the O.A. shall be heard without reply finally on the same day. It is made clear that no further time will be granted to the ld. P.O. to file reply.

3. S.O. 12.06.2024.

4. Steno copy is granted.

Member (J)

Date:- 10/05/2024.
aps.

O.A.No.291/2020 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri P.P.Khparde, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to after summer vacation for final hearing.**

3. **Matter be treated as P.H..**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.858/2022 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Ms. L.Tirpude, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to 25.06.2024 for final hearing.**

3. **Matter be treated as P.H..**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.839/2021 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to after
summer vacation for final hearing.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.780/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

None for the applicant. Shri A.M.Khadatkar,
ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to after
summer vacation for final hearing.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.1099/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)
Dated : 10/05/2024.

Heard Shri Y.N.Thengre, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. to 19.06.2024 for final hearing.**

Date:- 10/05/2024.
aps.

Member (J)

O.A.No.162/2024 (S.B.)

Coram:Shri M.A.Lovekar, Member (J)

Dated : 10/05/2024.

Heard Shri S.Jagirdar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. In order dated 08.05.2024 it was observed:-

2. *The applicant is relying on amended clause 8.17.10 and Clause 8.18.9 of rules which read as under:-*

Amended Clauses:-

8.17.10: "Candidate who are previously registered and are pursuing/have completed the PG degree course or have obtained PG degree. This prohibition will apply to Post Graduate admission in Government/Corporation run Medical College only. Such candidate can be considered for admission at Private Unaided Medical College"

8.18.9 Candidates who are previously registered and are pursuing / have completed the PG degree course or have obtained PG degree are not eligible for admission through NEET PG 2023. This prohibition will apply to Post Graduate admission in Government/Corporation run Medical College(s) only. However candidates who have completed PG course in one broad specialty is eligible for any other broad specialty in Private Unaided Medical College(s) as per Hon'ble High Court Order Dated 02/04/2018 in W.P. No. 2388 of 2018 and Government of Maharashtra Letter No. WPM-1318/C.R. 122/18/EDU-2, Dated 27/03/2018.

3. *The respondents, on the other hand, are relying on para 9 of G.R. dated 19.07.2023 which reads as under:-*

ज्या वैद्यकीय अधिकाऱ्यांनी नियमित सेवेत रुजू झाल्यानंतर अथवा तत्पूर्वी एखादया विषयामध्ये पदव्युत्तर पदविका धारण केली असल्यास, अशा वैद्यकीय अधिकाऱ्यांना त्याच विषयाच्या पदव्युत्तर पदवी अभ्यासक्रमासाठी सर्वसाधारण गुणवत्तेनुसार प्रवेश घेता येईल. तसेच एक पदवी असलेल्या उमेदवारांना दुसऱ्या पदवीसाठी किंवा अन्य कोणत्याही पदविकेसाठी नोंदणी देण्यात येणार नाही.

4. *The applicant is also relying on order dated 02.04.2018 passed by the Hon'ble Bombay High Court in W.P. No. 2388/2018. On the basis of this order Clauses quoted above were amended.*

5. *There is no reference in G.R. dated 19.07.2023 either to order dated 02.04.2018 or above referred Clauses.*

6. *Ld. P.O. shall make submissions tomorrow whether G.R. dated 19.07.2023 will be applicable also to the cases where a candidate is seeking admission to P.G. Course at private unaided Medical College.*

3. Pursuant to order dated 08.05.2024, ld. P.O. has today placed on record communication dated 09.05.2024 (marked Exh. X for the purpose of identification). This communication *inter alia* states:-

सार्वजनिक आरोग्य विभाग, शासन निर्णय क्र. मवैअ-२०२३/प्र.क्र.३०१/सेवा ३ दि.१९.०७.२०२३ हा शासन निर्णय हा खाजगी किंवा शासकीय संस्थेमध्ये प्रवेशाकरिता लागू नसून सदर शासन निर्णय हा सेवांतर्गत कार्यरत असलेल्या सर्व वैद्यकीय अधिकारी यांना लागू आहे. डॉ.मो. खालीद ईनामदार, वैद्यकीय अधिकारी, विभागीय संदर्भ सेवा रुग्णालय अमरावती हे सेवांतर्गत वैद्यकीय अधिकारी असल्याने त्यांना सदर शासन निर्णय लागू आहे. करिता सदर बाब मा. न्यायालयाच्या निर्देशास आणुन देण्यात यावी हि विनंती.

4. On the basis of aforesaid communication it is submitted by the ld. P.O. that para 9 of G.R. dated 19.07.2023 fully supports stand of the respondents.

5. It is the contention of the applicant that one Dr. Ingle Pravin Kumar Pandurang who is also serving was granted study leave and his case stands on par with case of the applicant. It is submitted that Dr. Ingle holds Diploma in Orthopaedics and study leave is granted to him for Post Graduate Course i.e. M.D. in Forensic Science. According to the ld. P.O. case of Dr. Ingle cannot be said to be standing on par with that of the respondents. He seeks time to file additional affidavit on this point.

6. **S.O. 10.06.2024 to file additional affidavit.**

7. **Steno copy is granted.**

Date:- 10/05/2024.
aps.

Member (J)