

ORIGINAL APPLICATION NO.807/2022
(Mohd Razakhan Mohd Abdul Sattarkhan Vs. State of
Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri S.S.Dambe, learned Presenting Officer for the respondent authorities.

2. Though the present matter is ripe for hearing and it has been circulated by the learned Counsel for the applicant for certain urgent orders, due to paucity of time, matter could not be heard.

3. By consent of parties, S.O. to 23-10-2024.

High on board.

MEMBER (A)
YUK ORAL ORDER 11.10.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1241/2024

(Dr. Sharayu D/o Sakharam Andhale Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 1248/2024

(Sanjay Tejrao Gawande & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel holding for Shri Sanjay B. Bhosale, learned counsel for the applicants in O.A. No. 1241/2024, Shri Gaurav L. Deshpande, learned counsel for the applicant in O.A. No. 1248/2024 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters.

2. Learned counsel for the applicant in O.A. No. 1241/2024 submits that inadvertently wrong OA memo was filed and that has to be replaced. Learned counsel also seeks leave to correct prayer clause (B) by substituting Exhibit 'C' and 'D' as mentioned in the said clause as annexure-3 & annexure-5 in O.A. No. 1241/2024. Leave granted as prayed for. The necessary amendment be carried out forthwith.

3. Since in both these OAs the grievance raised by the applicants is same and the relief sought is also identical, we have heard both these matters together and deem it appropriate to pass this common order.

4. Learned counsel for the applicants in both these matters submitted that gross violations had occurred in the selection process which is disputed in the present matter and as such the interim relief has been pressed by the applicants.

5. Applicants had applied for the post of Medical Officers, Group-A in pursuance of the advertisement No. 01/2024 issued on 31.01.2024. Vide the said advertisement total 1729 posts were advertised, out of which 1446 posts were for the candidates holding qualification of MBBS and 283 posts were for the candidates holding the qualification of BAMS. The applicants in both these matters had applied for the said 283 posts to be filled in by the candidates holding the minimum qualification as BAMS. In the advertisement, which was issued on 31.01.2024, in clause no. 08 thereof the educational qualification is prescribed and in clause no. 09 thereof the entire selection process has been elaborated.

6. It is pointed out that in the criteria as provided in the said clauses 5% marks were provided for the experience possessed by the candidate. As is revealing from the said clauses 95% marks were towards the average of the marks secured by the candidate concerned in every year of Graduation.

7. It is contended that on 21.06.2024 the Commissioner of Health Services, Mumbai issued notification for the candidates holding the qualification as BAMS. It was notified that in view of large number of applications i.e. 20981 received for the said post, the Government has decided to fill in said posts by conducting the examination. Nature of the examination and syllabus was also notified along with the said notification.

8. It is the further case of the applicants that accordingly on 05.09.2024 the examination was conducted in 02 sessions. The examination was for 200 marks containing 03 subjects therein i.e.

Sr. No.	Subject	Number of questions	Marks
1.	Ayurved Syllabus	60	120
2.	National Health Programmes	20	40
3.	General Knowledge	20	40
TOTAL		100	200

9. All these applicants appeared for the said examination. Grievance of the applicants is that the respondents straightway declared the result of the examination on 05.10.2024. It is the contention of the applicants that before declaration of the result the model answer keys were not published and opportunity was not given to the candidates to raise objections, if any, to the said answer key. It is the further contention of the applicants that when the examination was conducted in 02 sessions, the respondents were under an obligation to adopt the procedure of normalization of the marks, but the same also has not been applied.

10. It is pointed that apparently there are mistakes in the questions containing in the examination papers. Some such mistakes were pointed out by some of the applicants by forwarding whatsapp messages and also by written complaints. Some of the questions were out of syllabus, whereas some of the options were such that no single option could have been selected since out of 04, 02 options may be the correct answer to the said question.

11. It is the grievance of the applicants that the complaints so made were not attended to by the respondents and straightway the result came to be declared. Learned counsel has further pointed out that when the result was declared on 05.10.2024, immediately on the same day the list of selected candidates was published.

12. Learned counsel submitted that the discrepancies pointed out by the applicants are fatal and unless these issues are addressed, there cannot be fair selection of the candidates. Learned counsel pointed out from the result that there is a tough competition and gaining 01 mark or losing 01 mark may affect the entire merit list. Learned counsel submitted that in the circumstances the intervention of this Tribunal is must or else the candidates, who really deserve to be selected will be losing the said opportunity in spite of holding merits. Learned counsel in the circumstances prayed for staying the further process of selection till decision of the present applications.

13. Learned Presenting Officer appearing for the State authorities at the outset sought time to file

affidavit in reply stating that no instructions are received from the respondents and unless authentic information is received, it would not be possible for him to make his submissions or to dispute the submissions as are made by the learned counsel for the applicants. Learned P.O. submitted that ordinarily the recruitment process is never arrested by the Tribunals and in the present matters when it has attained the finality, according to him, it would be unjust to restrain the respondents from proceeding further with the said process. He therefore prayed for rejecting the request for interim relief.

14. We have considered the submissions made on behalf of the learned counsel appearing for the applicants and the learned P.O. for the State authorities. From the submissions which we have recorded elaborately hereinabove insofar as the interim relief is concerned apparently the case seems to have been made out by the applicants. It is not in dispute that the written examination was held in 02 sessions on 05.09.2024. It is further not in dispute that the result of the examination came to be declared on 05.10.2024. The applicants have stated

on oath that in the period between 05.09.2024 to 05.10.2024 model answer key was not published and it is never published by the respondents. It is further averred on oath that the applicants did never get an opportunity to raise their disputes as about the discrepancies in the questions asked in the written examination and the options recorded for the said questions. It has been pointed out that some of the questions were out of syllabus and for some of the questions 02 options are the correct answers, whereas the candidates were called upon to select 01 option. Whether or not there is substance in the objections raised by the applicants cannot be decided by the Tribunal. It is however a matter of common knowledge that in such examinations ordinarily the procedure which is followed is of declaring the model answer key and inviting objections in that regard by the candidates, who appeared for the said examination. It is not uncommon that certain questions are required to be deleted from the question paper for the reason that the answers given are either not correct or more than one option can be the correct answers and in such process there is every likely-hood of gaining and

losing marks by the candidates. It has been pointed out and it appears true from the result sheet that several candidates have secured similar marks and marks of one question, if are added or reduced may make a vital difference.

15. According to us, these are serious lacunas, which would have impact on the selection of the candidates. Moreover, as has been mentioned in the advertisement, in pursuance of which the selection process has been further carried out, the experience clause therein has been ignored. As stated in the advertisement 5% marks are dedicated for experience. The candidates, who have appeared having such experience, are, thus put to disadvantageous position. In the circumstances, we find that the applicants have certainly made out a prima-facie case.

16. Learned P.O. however submitted that most probably almost all orders are issued in favour of all the candidates, the list of which has been declared on 05.10.2024. As against it, it is the information as is submitted by the learned counsel for the applicants, almost all the orders are not yet issued

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and the selection process is at the stage of document verification.

17. The applicant in O.A. No. 1241/2024 has placed on record communication dated 07.10.2024 under the signature of the Joint Director (Finance & Administration), Commissionerate of Health Services, Mumbai to the Deputy Directors of Health Services all the Regions. As is revealing from the contents of the said communication the document verification of the candidates, who have been selected, was to be carried out on 09.10.2024 and 10.10.2024. There is therefore reason to believe that till today the selection process has reached to the level of document verification of the candidates concerned. In the circumstances, we deem it appropriate to pass the following order:-

ORDER

(i) Issue notice to respondents, returnable on 16.10.2024.

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

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(iii) 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.

(iv) 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.

(v) 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.

(vi) Execution and implementation of the select list/result list published on 05.10.2024 by respondent no. 06 and the communication dated 07.10.2024 issued by respondent no. 05 shall stand stayed until further orders by this Tribunal.

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(vii) Respondent no. 01 shall forthwith issue directions to all the Regional Deputy Directors of Health Services not to get resumed the candidates selected vide the selection list published on 05.10.2024 until further orders by this Tribunal.

(ix) S.O. to 16.10.2024.

(x) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 11.10.2024

M.A. NO. 520/2024 IN O.A. NO. 1248/2024
(Sanjay Tejrao Gawande & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Gaurav L. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submitted that the names of the applicants, who are not residing within the jurisdiction of this Bench of the Tribunal will be deleted. He has sought leave for the same. Leave is granted accordingly. Learned counsel also undertakes to remove the office objections as are recorded by the office.

3. This is an application preferred by the applicants seeking leave to sue jointly.

4. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and

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M.A. NO. 520/2024 IN
O.A. NO. 1248/2024

to avoid the multiplicity, leave to sue jointly granted,
subject to payment of court fee stamps, if not paid.

6. The present M.A. stands disposed of
accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 11.10.2024

ORIGINAL APPLICATION NO. 1240 OF 2024
(Arun Baburao Anandkar Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, 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 the applicant is a Member of the cadre of Deputy Collectors and presently working as Additional Collector. He has rendered services under the State in various capacities.

3. Learned counsel for the applicant submits that the applicant while working as Additional Collector, by order dated 28.02.2024 came to be deputed as Registrar, Mahatma Phule Krushi Vidyapeeth, Rahuri, Dist. Ahmednagar for the period of three years with certain terms and conditions as per the Government Order dated 13.03.2024 (Annexure A-3). Learned counsel submits that the applicant's parent department is Revenue Department and he came to be deputed to Agriculture Department as Registrar of

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O.A. 1240/2024

an Agriculture University. Learned counsel submits that as per Annexure A-4 dated 14.03.2024 the applicant has joined the place of deputation and the said order was implemented w.e.f. 13.03.2024 afternoon.

4. Learned counsel for the applicant submits that by impugned order dated 08.10.2024 the Dy. Secretary, Government of Maharashtra, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department has cancelled the said deputation and directed therein that the applicant should report and join his parent department.

5. Learned counsel for the applicant submits that in terms of Rule 40 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981 (hereinafter referred as the Rules of 1981) particularly sub-rule 4, transfer of a Government servant to foreign service should be made on the standard terms and conditions as in Appendix II. No departure from the prescribed terms and conditions shall be permissible and thus guidelines for both the competent authorities and the foreign employers are given in Appendix III. Learned counsel has referred

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O.A. 1240/2024

Appendix II of Rule 40 of the Rules of 1981 particularly clause 1(ii) if his services are not required by the foreign employer, it shall be open to the foreign employer to revert him to the parent department, provided 3 months' notice is given to Government / competent authority by the foreign employer before effecting such reversion. Learned counsel has pointed out that in the instant case no such 3 months' notice has been given and all of sudden impugned order came to be passed.

6. After going through Rule 14, sub-rule (4), Appendix II clause 1(ii) of the Rules of 1981 and terms and conditions mentioned in the Government Order dated 13.03.2024 (Annexure A-3) clause 2(क), I find much substance in the submissions made on behalf of the applicant by learned counsel. Even in the Government Order dated 13.03.2024 (Annexure A-3) in clause 2(क), 3 months' notice prior to reversion is necessary. However, it seems that the same has not been followed in this matter.

7. In view of the same, **the parties are directed to maintain status quo as on today till the next date of hearing.**

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O.A. 1240/2024

8. Learned Presenting Officer is directed to call record about cancellation of deputation and pertaining to transfer of the applicant in connection thereto.

9. Issue notices to the respondents, returnable on 25.10.2024.

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

11. 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.

12. 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.

13. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

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O.A. 1240/2024

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

14. S.O. to 25.10.2024.

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

MEMBER (J)

KPB ORAL ORDER 11.10.2024

ORIGINAL APPLICATION NO. 682/2024
(Rutuja Dagdu Bhalerao Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri Sharad S. Halkude, learned counsel for the applicant (**absent**).

Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri C.V. Dharurkar, learned counsel for respondent No. 3, are present.

2. Learned counsel appearing for respondent No. 3 has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record.

3. The matter is shown in 'await service category'. Learned C.P.O. shall confirm the service has been effected, if so file the affidavit in reply on or before the next date.

4. S.O. to 13.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 125/2024
(Jayshree K. Rathod Vs. The State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri Sandip C. Swamit, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The applicant has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 26.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 11.10.2024-HDD

O.A.ST.NO. 1440/2022 WITH M.A.NO. 422/2022
(Harichandra Dilip Patil Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. On instructions, learned counsel for the applicant seeks leave of this Tribunal to withdraw the present Original Application. Hence, the following order is passed: -

ORDER

(i) The Original Application stands disposed of since withdrawn.

(ii) Since O.A. is withdrawn, the M.A. also stands disposed of.

(iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 582/2023 IN O.A.NO. 756/2023
(State of Maharashtra & Ors. Vs. Satish Kailas Jagtap)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri S.S. Dambe, learned Presenting Officer for the applicants in M.A./respondents in O.A. and Shri V.S. Kadam, learned counsel for the applicant in O.A./respondent in M.A.

2. S.O. to 09.11.2024. Interim relief granted earlier in O.A. to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 11.10.2024-HDD

ORIGINAL APPLICATION NO. 730/2024
(Rama Chautu Hawka & Ors. Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri Jaslyn Anthony Menezes, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 5 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 18.11.2024. In the meanwhile it would be open for the applicants to file rejoinder affidavit, if they so desire.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 662/2024
(Sharad Panditrao Magar Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri Jaslyn A. Menezes, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 and 3 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer submits that respondent No. 1 may not file separate affidavit in reply and he is adopting the affidavit in reply filed by respondent Nos. 2 & 3.

4. List the matter for hearing on 18.11.2024. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 448/2024 IN O.A.NO. 1075/2024
(Biru Manikrao Vaidya Vs. The State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Rahul A. Shinde, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The learned counsel for the applicant undertakes to remove the office objection.
3. Issue notice to respondents on application of condonation of delay, returnable on 20.11.2024.
4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. 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.
6. 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.
7. 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.
8. S.O. to 20.11.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 483/2024 IN O.A.NO. 1155/2024
(Mahesh P. Sagaonkar & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Heard Shri A.B. Jagtap, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1155/2024
(Mahesh P. Sagaonkar & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Heard Shri A.B. Jagtap, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 21.11.2024.

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 21.11.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 506/2024 IN O.A.NO. 1217/2024
(Shivaji B. Aghav & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Umesh S. Mote, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Subject to issue of limitation, issue notice to respondents, returnable on 28.10.2024.

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 28.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1220 OF 2024
(Sagar Shantaram Patil Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Vishal S. Kadam, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 18.10.2024.

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 18.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 375, 376, 418, 428 & 434 ALL OF 2020
(Amol M. Naikwade Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.11.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 11.10.2024-HDD

ORIGINAL APPLICATION NO. 482/2024
(Tushar Vijay Deore & Ors. Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 11.10.2024

ORAL ORDER :

Shri K.P. Rodge, learned counsel for the applicants (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 25.10.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 11.10.2024-HDD

ORIGINAL APPLICATION NO. 1150 OF 2024
(Shrikant V. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the Original Application is barred by limitation.

3. Learned counsel for the applicant submits that the applicant was retired on 30.11.2017. However, so far as grant of benefit / pay scale of Assured Progression Scheme to the applicant and difference of salary for a particular period is concerned, the proposal was submitted on 15.09.2022 by respondent No. 2 to all the Heads of Regional Office, Divisional Dy. Director of Education, Aurangabad. However, there were deficiencies in the proposal to the extent of applicant's case. Thus deficiencies were removed and accordingly the proposal to the extent of certain employees including the applicant came to be submitted on 22.11.2022. Even on 13.02.2024 (Annexure A-13), the applicant has submitted

//2//

O.A. No. 1150/2024

representation remanding the authorities that even though the proposal has been submitted after removal of objections, the same is not decided.

4. I am thus agree with the submissions made on behalf of the applicant by learned counsel that there is a contentious cause of action, as the said proposal is not decided. As such, the Original Application is within limitation. The office objection is thus not sustainable and the same stands overruled.

5. Issue notices to the respondents, returnable on 16.12.2024.

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

7. 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.

8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//3//

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(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 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.

10. S.O. to 16.12.2024.

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

MEMBER (J)

KPB ORAL ORDER 11.10.2024

- 1. ORIGINAL APPLICATION NO. 519 OF 2024**
(Shivaji P. Khetmalas Vs. State of Maharashtra & Ors.)
- 2. ORIGINAL APPLICATION NO. 520 OF 2024**
(Shivajirao B. Nimbalkar Vs. State of Maharashtra & Ors.)
- 3. ORIGINAL APPLICATION NO. 521 OF 2024**
(Vishnu T. Mahale Vs. State of Maharashtra & Ors.)
- 4. ORIGINAL APPLICATION NO. 522 OF 2024**
(Trimbak A. Bade Vs. State of Maharashtra & Ors.)
- 5. ORIGINAL APPLICATION NO. 523 OF 2024**
(Nagnath P. Ghodke Vs. State of Maharashtra & Ors.)
- 6. ORIGINAL APPLICATION NO. 524 OF 2024**
(Sahebrao K. Bodkhe Vs. State of Maharashtra & Ors.)
- 7. ORIGINAL APPLICATION NO. 525 OF 2024**
(Sahebrao B. Said Patil Vs. State of Maharashtra & Ors.)
- 8. ORIGINAL APPLICATION NO. 526 OF 2024**
(Vinayak B. Nimbalkar Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicants in all these O.As., S/shri A.P. Basarkar, D.M. Hange, Smt. Resha Deshmukh & Smt. Vanita Choudhari, learned Presenting Officers for the respondent authorities in respective O.As. and Shri D.T. Devane, learned counsel for respondent Nos. 3 & 4 in O.A. Nos. 521 & 525/2024, are present.

Shri Rahul A. Tambe, learned counsel for the respondent No.4 in O.A. No. 520, is **absent**.

//2// O.A. 519/2024 & Ors.

2. Learned P.Os. and learned counsel for respondent Nos. 3 & 4 in O.A. Nos. 521/2024 & 525/2024 seek time to file affidavit in reply. Time granted as a last chance.

3. S.O. to 13.11.2024.

MEMBER (J)

KPB ORAL ORDER 11.10.2024

ORIGINAL APPLICATION NO. 691 OF 2024
(Aditya B. Titme Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri I.S. Thorat, learned counsel holding for Shri S.K. Shinde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 28.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 252 OF 2024
(Santosh Namdevrao Kurule Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri Ashish Hazari, learned counsel holding for Shri Amol Chalak, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has placed before this Tribunal a copy of order dated 25.09.2024, which is marked as document "X" for identification. Learned counsel submits that the applicant's grievance raised in the present Original Application has been redressed and nothing survives for further consideration in the same.

3. In view of above, the Original Application is disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 562 OF 2024
(Rahul B. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri R.K. Khandelwal, 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 submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned Presenting Officer.

3. List the matter for admission hearing on 27.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2020
(Sonaji K. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri N.U. Yadav, learned counsel for respondent Nos. 2 & 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 25.11.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1089 OF 2023 WITH
MISC. APPLICATION NO. 58 OF 2024
(Sachin S. Rajmane Vs. State of Maharashtra & Ors.)**

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri B.K. Dale, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Smt. Vanita Choudhari, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions from the applicant submits that the applicant's grievance has been redressed and nothing survives for further consideration in the present Original Application.

3. In view of the same, the Original Application stands disposed of as infructuous. In view of disposal of O.A., the M.A. also stands disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1157 OF 2024
(Dr. Kapileshwar M. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri Shamsunder B. Patil, 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 Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 22.10.2024.

MEMBER (J)

**M.A. No. 94/2023 in O.A. St. No. 171/2024
(Amolsinh P. Gour Vs. State of Maharashtra & Ors.)**

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

DATE : 11.10.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed in M.A.

3. List the matter for hearing on 21.11.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

KPB ORAL ORDER 11.10.2024

ORIGINAL APPLICATION NO. 576 OF 2023
(Dinesh S. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

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 22.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2024
(Rafiqbeg Nazir Beg Mirza Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Smt. Jayshri Dongre, learned counsel holding for Smt. Suchita Dhongde, 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 25.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 892 OF 2024
(Pandurang S. Murke Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit to that effect will be filed during the course of day in the office.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

4. S.O. to 25.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 29 OF 2023
(Manish T. Naik (Bhil) Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri Y.H. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 2 to 4, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to other side.

3. S.O. to 19.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 489 OF 2023
(Rekha B. Tathe Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Aviansh Deshmukh, learned counsel for the applicant and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 1 & 2, are present.

2. Learned counsel for respondent Nos. 1 and 2 seeks leave to file affidavit in reply. Leave granted. The affidavit in reply is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 27.11.2024 for hearing.

MEMBER (J)

M.A. No. 415/2024 in O.A. No. 783/2024
(Suman B. Nandre Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri S.S. Chapalgaonkar, 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 18.10.2024.

MEMBER (J)

KPB ORAL ORDER 11.10.2024

M.A. No. 502/2024 in O.A. No. 1159/2024
(Chandrasekhar A. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Heard Shri B.K. Dale, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 13.12.2024.
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 13.12.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Mene, learned counsel for respondent Nos. 2 and 3 (**Leave Note**).

2. It is a part heard matter. In view of leave note filed by learned counsel for respondent Nos. 2 & 3, S.O. to 25.10.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 123 OF 2024
(Dr. Chitrlekha Sharad Patil Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Sachin B. Munde, learned counsel for respondent Nos. 5 to 7 , are present.

2. At the request made on behalf of respondents, S.O. to 18.10.2024 as a last chance for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 358 OF 2023
(Girdhari G. Gunjarge Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri R.R. Wakekar, learned counsel holding for Shri A.D. Sugdare, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent Nos. 3 & 4, are present.

2. At the request of learned P.O. and learned counsel for respondent Nos. 3 & 4, S.O. to 28.11.2024 for filing affidavit in reply and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 687 OF 2021
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

I have heard Shri I.D. Maniyar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities at length.

2. This is a part heard matter.

3. Learned counsel for the applicant and learned P.O. have placed reliance on certain cases. However, those are placed before this Tribunal today itself. Consequently, the other side had no occasion to go through the same and reply it appropriately.

4. S.O. to 25.10.2024 for the same.

MEMBER (J)

ORIGINAL APPLICATION NO. 478 OF 2023
(Vishwajit V. Udate Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. Learned counsel for the applicant submits that the applicant would submit the detailed representation before the concerned respondent and the purposing of filing of this Original Application will be served if the appropriate directions are given to the said respondent to decide the said representation in accordance with law.

4. In view of above, S.O. to 18.10.2024 for further hearing.

MEMBER (J)

M.A.NO. 604/2019 IN O.A.ST.NO. 2158/2019
(Venkat S. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

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

2. S.O. to 04.12.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 11.10.2024

M.A.NO. 29/2022 IN O.A.ST.NO. 11/2022
(Yashvant M. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent No.4, are present.

2. Learned counsel for respondent No.4 submits that during pendency of this O.A., Shri V.G. Pingle representing the applicant is now appointed as Presenting Officer.

3. In view of same, issue notice to applicant returnable on 25.11.2024.

MEMBER (J)

M.A.NO. 178/2022 IN O.A.ST.NO. 447/2022
(Ratnabai B. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Shri M.R. Wagh, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 05.12.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 11.10.2024

**M.A.NO. 494/2024 IN M.A.NO. 393/2024 IN O.A.NO. 150/2023
(Ramchandra C. Bhalerao @ Dhangar Vs. State of
Maharashtra & Ors.)**

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

DATE : 11.10.2024

ORAL ORDER :

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

2. S.O. to 18.11.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 11.10.2024

ORIGINAL APPLICATION NO. 1247 OF 2024
(Anil G. Wani Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

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

2. S.O. to 14.10.2024.

MEMBER (J)

M.A.NO. 394/2024 IN O.A.NO. 945/2024
(Shaikh Mohammed Farooq Mohammed Mastan Vs. State of Maharashtra & Ors.)

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

DATE : 11.10.2024

ORAL ORDER :

Smt. Jayshri Dongre, learned counsel holding for Smt. Suchita Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3 to M.A. The same is taken on record and copy thereof is given to other side.

3. S.O. to 29.10.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)