

**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>Date : 13.04.2023</p> <p align="center">O.A.No.697 of 2021</p> <p>B. p. Satpute & Ors.Applicants</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri R. M. Kolge, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, the matter is adjourned for final hearing.</p> <p>3. S.O. to 07.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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13.04.2023

O.A 376/2023

Dr Ananada S. Kudale ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicant prays that the Respondents be directed to declare the applicant eligible for interview for the post of Deputy Director.

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

4. Issue notice before admission returnable on 27.4.2023.

5. 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.

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. 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.

8. In case notice is not collected within **seven** days or service report on affidavit in 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."

9. S.O to 27.4.2023.

Sd/-

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 13.04.2023</p> <p align="center">O. A. No.953 of 2022</p> <p>Shri Arif A. K. ShaikhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present. 2. The perusal of record reveals that Applicant and his Counsel are repeatedly absent. On previous date also they were absent but matter was adjourned to give one opportunity to them but in vain. 3. It seems the Applicant and his Advocate are not interested in the matter. 4. Original Application is, therefore, dismissed in default. <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

P.T.O. →
[P.T.O.]

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>LATER ON</p> <p>5. In the evening session[↳], learned Advocate for the Applicant appeared and requested to recall the order of dismissal stating that he was busy in other Court.</p> <p>6. In the interest of justice, O.A. is restored.</p> <p>7. S.O. to 04.05.2023 for hearing.</p> <p style="text-align: right;">^ Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2023</p> <p align="center">M.A. No.203 of 2023 in M.A. No.207 of 2023 in O.A. No.427 of 2018</p> <p>R.J. SawantApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. M.A. No.203/2023 is filed for amendment so as to challenge communication dated 23.11.2016 whereby the Applicant's claim for 2nd Time Bound Promotion benefit has been rejected and M.A. No.207/2023 is filed for condition of delay caused in challenging the communication dated 23.11.2016. The Applicant has filed O.A. on 04.05.2018 and prayed for only direction to the Respondents to grant benefits of 2nd Time Bound Promotion for the post of Sr. Personal Assistant. In O.A. she did not challenge the communication dated 23.11.2016 which was already communicated to her whereby her claim was rejected.</p> <p>3. When the O.A. was taken up for hearing that time the Applicant's Counsel who appeared subsequently in the matter realized the mistake of not challenging communication dated 23.11.2016. It is on this background the M.As are filed for condonation of delay of 4 months as well as for amendment so to challenge communication dated 23.11.2016 and correspondence pleading in O.A. to that effect.</p> <p>4. On previous date two weeks time was granted to learned P.O. to file Affidavit-in-Reply to M.A. However, no Reply is filed. Learned P.O. today again sought time.</p> <p align="right">[P.T.O.]</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>5. Since, already two weeks time is granted, I am not inclined to grant further time.</p> <p>6. O.A. is filed in 2018 but inadvertently the then Counsel has not challenged the order dated 23.11.2016. Thus though there is claim for 2nd Time Bound Promotion in substance what remained to challenge communication dated 23.11.2016. Indeed, it ought to have been challenged in O.A. The amendment relate back to the date of filing of O.A.</p> <p>7. In view of above, I am inclined to condone four months delay caused in challenging communication dated 23.11.2016 and also inclined to grant amendment so as to decide the O.A. on its own merit.</p> <p>8. M.A. No.207/2023 is accordingly allowed.</p> <p>9. M.A. No.203/2023 for amendment is also allowed with no order as to costs. Amendment be carried out in O.A. within a week with proper subsequent pagination.</p> <p>10. Two weeks time is granted to Respondents to file Reply to the amendment made in O.A.</p> <p>11. O.A. is adjourned to 26.04.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 13.04.2023</p> <p align="center">O.A. No.705 of 2019</p> <p>V.D. Kamane & Ors.Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer holding for Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. one week time is granted to Respondent No.4 to file Affidavit-in-Reply.</p> <p>3. This O.A. be kept with connected O.A. No.706/2019.</p> <p>4. In O.A. No.491/2022 though the issue is lightly different that O.A. be also kept along with O.A. No.706/2019.</p> <p>5. S.O. to 24.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 13.04.2023</p> <p align="center">O.A. No.238 of 2023</p> <p>S.V. RajwadeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder on behalf of the Applicant. It is taken on record.</p> <p>3. S.O. to 24.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 13.04.2023</p> <p align="center">O.A. No.621 of 2018</p> <p>V.K. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.Y. Chavan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. When the matter is taken up for hearing it is noticed that relevant document i.e. Transfer Order, Relieving Order etc. are not forthcoming on record.</p> <p>3. Learned P.O. is therefore directed to produce the relevant order along with additional Affidavit.</p> <p>4. S.O. to 21.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p>Date: 13.04.2023</p> <p align="center">O.A. No.151 of 2023 with O.A. No.155 of 2023</p> <p>H.C. Dasade & Ors., N.B. WaghelaApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.M. Kakade, learned Advocate for the Applicant in O.A. No.151/2023, Shri A.V. Bandiwadekar, learned Advocate for the Applicant in O.A. No.155/2023 and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. In both the matters Respondent No.1 only filed Affidavit-in-Reply and enough time was granted to file Affidavit-in-Reply on behalf of remaining Respondents. Today, learned P.O. again sought time to file Affidavit-in-Reply.</p> <p>3. One week time is granted to file Affidavit-in-Reply on behalf of remaining Respondents as last chance.</p> <p>4. S.O. to 20.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 13.04.2023</p> <p align="center">O.A. No.280 of 2023</p> <p>S.B. KalekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Since the Applicant is retiring at the end of May 2023 and on the basis of Date of Birth recorded in service record, learned Advocate for the Applicant requested to expedite the matter. According to him his correct Date of Birth is 23.11.1965 but in service record it is recorded as 23.05.1965.</p> <p>3. In view of above, one week time is granted to learned P.O. to file Affidavit-in-Reply so that O.A. could be disposed of expeditiously before intended date of retirement.</p> <p>4. S.O. to 20.04.2023.</p> <p align="right">^ Sd/- v (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 13.04.2023</p> <p align="center">O.A. No.392 of 2023</p> <p>M.R. DandkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant has challenged communication dated 31.03.2023 issued Respondent No.1 thereby declining to get the Applicant jointed.</p> <p>3. The Applicant was serving on the establishment of Respondent No.2 – The Commissioner, Employees State Insurance Scheme and requested for absorption on the establishment of Respondent No.1 in terms of G.R. dated 15.05.2019. Initially, Respondent No.1 by order dated 15.02.2023 communicated to the Respondent No.2 to take further action in terms of G.R. dated 15.05.2019 and also informed that there are certain vacancies in their office. It is further stated that one post of open category is also vacant. The Applicant also belongs to open category. It is in pursuance to it, Respondent No.2 i.e. parent Department relieved the Applicant on 28.02.2023 for joining the establishment of Respondent No.1 but he declined to get the Applicant joined.</p> <p>4. Learned Advocate for the Applicant sought interim relief since his client is already relieved on 28.02.2023 and is in abeyance now.</p> <p>5. Learned P.O. sought three days time to take instruction.</p>

[P.T.O.]

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	<p>6. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>7. In the mean time, issue notice before admission returnable on 17.04.2023.</p> <p>8. 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.</p> <p>9. 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.</p> <p>10. 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.</p> <p>11. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>12. S.O. to 17.04.2023.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>


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	<p>Date : 13.04.2023</p> <p align="center">O.A.No.234 of 2018</p> <p>P. R. Wagh & Ors.Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri S. S. Pakale, Sr. Counsel with Smt. Ranjana Todankar, learned Counsels for the Applicant and Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. This O.A. was before the Division Bench today itself. However, the D.B. passed the order for placing the matter before Single Bench in view of the decision rendered by this Tribunal (S.B.) in O.A.No.235/2022 on 06.04.2023.</p> <p>3. Learned Counsel for the Applicant makes submission before the D.B. that the issue is covered by the said judgment and it is on this background, the Division Bench has transferred this O.A. to Single Bench.</p> <p>4. Learned C.P.O. sought adjournment on the ground that she wants to go through the judgment delivered by the Tribunal in O.A.No.235/2022.</p> <p>5. S.O. to 24.04.2025 for final hearing.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date: 13.04.2023</p> <p align="center">O.A. No.196 of 2023</p> <p>J.M. DevkarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.N Pawar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent Nos.2 & 3. It is taken on record. No separate Reply is filed on behalf of Respondent No.1.</p> <p>3. Since pleading is complete, O.A. be kept for Final Hearing.</p> <p>4. S.O. to 06.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 13.04.2023</p> <p align="center">O.A. No.176 of 2023</p> <p>V.V. GholapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri V. Agane, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply as last chance.</p> <p>3. S.O. to 28.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p>Date: 13.04.2023</p> <p align="center">O.A. No.134 of 2023</p> <p>C.R. GangodeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri K.R. Jagdale, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Reply on behalf of Respondent. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission with liberty to file Rejoinder, if any.</p> <p>4. S.O. to 06.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

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	<p align="center">Date: 13.04.2023</p> <p align="center">O.A. No.95 of 2023</p> <p>S.D. DalaviApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri N.N. Pawar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Today learned P.O. has filed Affidavit-in-Reply on behalf of Respondent No.2. It is taken on record. No separate Reply is filed on behalf of Respondent Nos.1 & 3.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 06.06.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2023</p> <p>O.A. No.382 of 2023</p> <p>M.R. TonpeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 03.02.2023 issued by Respondents / Government thereby rejecting his claim for Deemed Date of Promotion to the post of Junior Engineer. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 07.06.2023. 5. 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. 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. 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. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 9. S.O. to 07.06.2023. ↘ <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p>


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	<p align="center">Date: 13.04.2023</p> <p align="center">O.A. No.385 of 2023</p> <p>A.M. BhoiteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. The Applicant stands retired on 31.05.2021 but till date he is not paid Gratuity and other retiral benefits were paid belatedly. Indeed, perusal of record reveals that the Office of Accountant General sanctioned Gratuity of Rs.10,24,650/- (Rupees Ten Lakhs Twenty Four Thousand Six Hundred and Fifty Only) on 31.03.2022 but till date amount is not paid.</p> <p>3. In view of above, learned P.O. is directed to take instruction from Respondent No.2 – Executive Engineer as to why Gratuity is not paid and why interest should not be paid on the belated payment of retiral benefits as claimed by the Applicant.</p> <p>4. S.O. to 18.04.2023.</p> <p align="right">  Sd/- (A.P. Kurhekar) Member (J) </p> <p align="center">NMN</p>

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	<p>Date : 13.04.2023</p> <p align="center">O.A.No.258 of 2023</p> <p>D. P. VarpeApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O., two weeks' time is granted to file Affidavit in Reply.</p> <p>3. S.O. to 27.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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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>Date : 13.04.2023</p> <p>O. A. No.953 of 2022</p> <p>Shri Arif A. K. ShaikhApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. The Applicant and his Counsel are absent. Smt. Archana B. K., learned Presenting Officer for the Respondents is present.</p> <p>2. The perusal of record reveals that Applicant and his Counsel are repeatedly absent. On previous date also they were absent but matter was adjourned to give one opportunity to them but in vain.</p> <p>3. It seems the Applicant and his Advocate are not interested in the matter.</p> <p>4. Original Application is, therefore, dismissed in default.</p> <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</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 align="center">Date: 13.04.2023</p> <p align="center">O.A. No.198 of 2023</p> <p>B.N. GiteApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri S.N. Vaidya, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Today learned Advocate for the Applicant has filed Affidavit-in-Rejoinder. It is taken on record.</p> <p>3. O.A. be kept for hearing at the stage of admission.</p> <p>4. S.O. to 06.06.2023.</p> <p align="right">Sd/- v' (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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>Date: 13.04.2023</p> <p align="center">O.A. No.261 of 2023</p> <p>S.D. LoharApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.B. Kadam, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 27.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</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>Date: 13.04.2023</p> <p align="center">O.A. No.286 of 2023</p> <p>R.R. SarafApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 27.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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>Date: 13.04.2023</p> <p align="center">O.A. No.362 of 2023</p> <p>M.V. GaradApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. three days time is granted to file Affidavit-in-Reply.</p> <p>3. S.O. to 18.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="787 747 1015 785">Date: 13.04.2023</p> <p data-bbox="1015 824 1291 862">O.A. No.387 of 2023</p> <p data-bbox="787 901 1477 1017">V.N. Bahirat & Ors.,Applicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol data-bbox="787 1094 1477 1584" style="list-style-type: none">1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.2. O.A. is filed by two Applicants claiming same relief but M.A. for sue-jointly is not filed.3. On request of learned Advocate for the Applicant three days time is granted to file M.A.4. S.O. to 18.04.2023. <p data-bbox="1169 1648 1380 1777" style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p data-bbox="787 1816 836 1841">NMN</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 13.04.2023</p> <p>O.A. No.394 of 2023</p> <p>A.S. PataniApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Ms. Bhavana Khichi, learned Advocate holding for Shri A.S. Gaikwad, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. The Applicant has challenged communication dated 08.02.2023 issued by Respondent No.4 thereby declining his request for substitution of his name in waiting list for compassionate appointment. 3. The office objections, if any, are to be removed and court fees to be paid, if not already paid. 4. Issue notice before admission returnable on 07.06.2023. 5. 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. 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. 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. 8. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed. 9. S.O. to 07.06.2023. <p style="text-align: right;">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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>Date: 13.04.2023</p> <p align="center">M.A. No.46 of 2023 in O.A. No.98 of 2023 with M.A. No.47 of 2023 in O.A. No.99 of 2023</p> <p>R.V. Khedekar P.M. TalathiApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Ms. Aishwarya Belhekar, learned Advocate holding for Smt P. Walimbe, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned P.O. two weeks time is granted to file Affidavit-in-Reply by way of last chance.</p> <p>3. S.O. to 28.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p>NMN</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 align="center">Date: 13.04.2023</p> <p align="center">M.A. No.163 of 2022 in O.A. No.286 of 2022</p> <p>M.H.I. ShaikhApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. As per order passed by the Tribunal the M.A. and O.A. are to be heard together. However, learned Advocate for the Applicant sought short adjournment.</p> <p>3. S.O. to 18.04.2023.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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

Tribunal's orders

4. Today, learned P.O. submits that when the matter was placed before Hon'ble Chief Minister but he directed to place it before cabinet for the necessary decision. She therefore submits that now file will be placed before cabinet and thereafter only decision can be taken. She therefore requested to adjourn the matters.

5. Incidentally, the Writ Petition filed before Hon'ble High Court are also adjourned in view of the reconsideration of the issue before Government.

6. In view of above, it would be appropriate to wait for three weeks awaiting decision of ~~cabinet~~ *government*.

7. S.O. to 02.05.2023.

Sd/-

(A.P. Kurhekar)
Member (J)

NMN

**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.1205 of 2022</u></p> <p>Ashok M. Sapkal ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Ms. Talekar i/b. Talekar & Associates, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. We grant time till 19.4.2023 to the applicant to file reply to the show cause notice, as the applicant has not filed the reply.</p> <p>3. S.O. to 19.4.2023.</p> <p align="center">Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 13.4.2023 13.4.2023</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><u>13.04.2023</u></p> <p><u>M.A 255/2023 in O.A 395/2023</u></p> <p>Dr Yogita Shah & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri Kranti L.C with Shri Kaustub Gidh, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Misc Application to sue jointly is allowed, subject to payment of court fees, if not already made.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</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
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13.04.2023

C.A 36/2023 in O.A 1164/2022 with O.A 125/2023

Shri Y.S Tekawade
Shri P.V. Patil ... Applicants

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Ms Pooja Mankoji, learned advocate for the applicants and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The matter was adjourned to 20.4.2023. After mentioning the matter was taken on Board today.

3. Learned C.P.O on instructions submits that the proposal of the applicants is sent by the Home Department to the Hon'ble Deputy Chief Minister on 11.4.2023 and the same is pending with the Hon'ble Deputy Chief Minister.

4. Mr Kulkarni, Joint Secretary, Home Department is directed to remain present and explain why the proposal of the applicants was sent late to the Deputy Chief Minister.

5. S.O to 17.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

Akn

(Mridula Bhatkar, J.)
Chairperson

**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><u>13.04.2023</u></p> <p><u>O.A 394/2020</u></p> <p>Smt V.S Karambe ... Applicant Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Shri K.R Jagdale, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.</p> <p>2. Learned counsel for the applicant prays that the date 6.7.2023 is already given in the matter. The matter pertains to promotion and as the applicant is retiring in the month of April, 2024, he prays that the matter be taken up for hearing at an early date.</p> <p>3. The request of the applicant is rejected on the ground that we have to give top priority to the matters of selection and appointment and moreover the matters of the year 2016 are pending and therefore, no preference can be given to this matter.</p> <p>4. S.O to 6.7.2023.</p> <p>Sd/- (Medha Gadgil) Member (A)</p> <p>(Mridula Bhatkar, J.) Chairperson</p> <p>Akn</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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13.04.2023

O.A 383/2021

Shri Sunil T. Thombare ... Applicant
Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri G.A Bandiwadekar, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

2. The applicant prays that the Tribunal be pleased to direct the Respondents to restrain from effecting the promotions from the post of State Tax Officer to Assistant Commissioner of State Tax.

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

4. Issue notice before admission returnable on 6.7.2023.

5. 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.

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. 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.

8. In case notice is not collected within **seven** days or service report on affidavit in 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."

9. S.O to 6.7.2023.

Sd/-

(Medha Gadgil)
Member (A)

Akn

(Mridula Bhatkar, J.)
Chairperson

**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><u>13.04.2023</u></p> <p><u>M.A 219/2023 in O.A 291/2023</u></p> <p>Shri N.P Bhosale & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Snehal Vaidya, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The Misc Application to sue jointly is allowed, subject to payment of court fees, if not already paid.</p> <p>Sd/- (Medha Gadgil) Member (A) Akn</p> <p>(Mridula Bhatkar, J.) Chairperson</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 style="text-align: center;"><u>13.04.2023</u></p> <p style="text-align: center;"><u>M.A 220/2023 in O.A 291/2023</u></p> <p>Shri N.P Bhosale & Ors ... Applicants Vs. The State of Maharashtra & Ors ... Respondents</p> <p>1. Heard Ms Snehal Vaidya, learned advocate for the applicants and Mrs K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>3. Issue notice before admission returnable on 6.6.2023.</p> <p>4. 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.</p> <p>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.</p> <p>6. 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.</p> <p>7. In case notice is not collected within seven days or service report on affidavit in 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."</p> <p>8. S.O to 6.6.2023.</p> <p style="text-align: center;">Sd/- (Medha Gadgil/ Member (A)</p> <p style="text-align: right;">(Mridula Bhatkar, J.) Chairperson</p> <p style="text-align: left;">Akn</p>

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No.

of 20

DISTRICT

..... Applicant/s

13.04.2023

(Advocate

O.A 376/2023

versus

The State of Maharashtra and others

Dr Ananada S. Kudale

... Applicant

The State of Maharashtra & Ors

... Respondents
..... Respondent/s

(Presenting Officer.....

1. Heard Shri U.V Bhosle, learned advocate for the applicant and Ms Swati Manchekar, learned C.P.O for the Respondents.

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

2. The applicant prays that the Respondents be directed to declare the applicant eligible for interview for the post of Deputy Director.

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

4. Issue notice before admission returnable on 27.4.2023.

5. 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.

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. 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.

8. In case notice is not collected within **seven** days or service report on affidavit in 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."

9. S.O to 27.4.2023.

Sd/-

(Medha Gadgil)
Member (A)

(Mridula Bhatkar, J.)
Chairperson

Akn

**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.401 of 2023</u></p> <p>Vinayak B. Kashid ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Kranti L.C. with Shri Kaustubh Gidh, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicant seeks leave to amend the address of respondent no.3 in the cause title. Leave granted. Amendment be carried out forthwith and amended copy be served on all the respondents.</p> <p>3. Ld. advocate for the applicant submits that the result of both physical and written examination for the post of Police Constable are declared and the applicant has scored 35 marks out of 50 in physical examination and 53 marks out of 100 in written examination.</p> <p>4. We want State Government to make specific statement in writing, where Transgender, who is chosen in the Transgender Female (TGF) category, whether the cut-off for physical test of running is applied as Female for considering cut-off of Transgender Female. We have perused the result of Pune and at Sr. No.6870 – Vinayak N. Kashid is shown as TGF from OBC category and shown parallel reservation as General.</p> <p>5. In this matter we direct the State Government to keep one post vacant in OBC General Category in the establishment of the Commissioner of Police, Pune.</p> <p>6. Respondent is directed to make written statement and also answer that once Transgender has chosen his/her particular gender, why that choice is not given to that particular candidate while applying selection criteria.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 25.4.2023. The respondents are directed to file reply. This OA is tagged with OA No.1121 of 2023.</p> <p>9. 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. 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.</p> <p>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.</p> <p>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.</p> <p>12. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the OA shall be placed on board before the concerned Bench under the caption "For Dismissal" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p style="text-align: center;">Sd/-</p> <p>(Medha Gadgil) (Mridula Bhatkar, J.) Member (A) Chairperson 13.4.2023 13.4.2023</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 395 OF 2023**

DISTRICT : SATARA

Dr Yogita Shah & Ors)...**Applicants**

Versus

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

Shri Kranti L.C with Mr Kaustubh Gidh, 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 : 13.04.2023

ORDER

1. The applicants pray that this Tribunal be pleased to issue an appropriate order or direction, directing the Respondent, M.P.S.C prior to shortlisting candidates for personal interviews to the post of Dental Surgeon, General State Service, Group-B, Class-II determine the eligibility of all the candidates by strictly adhering to the provisions of the Recruitment Rules and by way of interim relief the applicants pray to stay the effect, operation, execution and implementation of the advertisement dated February 18, 2022.

2. Learned counsel for the applicants has submitted that as per advertisement dated 18th February, 2022, the applicants have

applied for the post of Dental Surgeon. More than 6000 applications are received for filling up 289 posts of Dental Surgeon. Learned counsel for the applicants has submitted that the applicants are having experience of Clinical Assistant in Government Hospitals. Learned counsel has submitted that the experience as Clinical Assistant in Private Hospitals cannot be taken into account while considering the eligibility for the post of Dental Surgeon.

3. Learned counsel for the applicants has submitted that the Screening Test was conducted on 29.2.2023. Learned counsel for the applicants relied on the judgment of the Hon'ble High Court dated 20th March, 2023 in W.P St. No. 9195/2021 & Ors, Manoj M. Mahind & Ors Vs. State of Maharashtra & Ors.

4. Learned C.P.O submits that the number of the applicants was very large and therefore the written screening test was conducted and now M.P.S.C will go for shortlisting. She wants to seek further instructions in the matter.

5. Considered the submissions. It is necessary to follow the procedure and also the policy laid down by the Government.

6. Rule 8.2 of the Dental Surgeon, Class-II in the Directorate of Health Services Recruitment Rules, 1990 is reproduced below:-

“8.2 Experience:-

(One) Have experience of not less than one year as a Clinical Assistant or in any post which in the opinion of the Government is equivalent to or higher than, the post of Clinical Assistant, gained after acquiring the qualification mentioned in 8.1 above.

(Two) Provided further that, preference may be given to candidates possessing post-graduate qualification in Dental Science.

(Three) Notwithstanding anything contained in 8.2 (one) above, if at any stage of selection, the Commission is of the opinion that sufficient number of candidates possessing the requisite experience are not available to fill in the vacancies reserved for candidates belonging to the Scheduled Castes, Scheduled Tribes, Denotified Tribes or Nomadic Tribes, then the Commission may in the matter of such selection, relax the requirement up to 40% in respect of period of experience and select suitable candidates belonging to such Castes and Tribes.”

7. At the threshold, we direct M.P.S.C not to proceed with the matter of recruitment. We would like to know whether the M.P.S.C has conducted the examination as per the policy of the Government expressed in its letter dated 17.11.2016. We are giving these directions especially in view of the clear observations made by the Hon'ble High Court in the case of Manoj M. Mahind & Ors (supra), which is reproduced below:-

“47. Thus, as per the clarification given by the Deputy Secretary, the experience of private/individual clinic was also required to be taken into consideration. MPSC acted on the clarification issued vide letter dated 1st October 2015 and while applying shortlisting criteria under Rule 9 of Rules of 2014, considered candidates having preferential qualification of MDS and experience of both Government as well as private hospitals/clinics and prepared a select list. However, the State Government later changed its opinion, and the Deputy Secretary addressed a letter dated 17th November 2016 to MPSC stating that the letter dated 1st October 2015 was reconsidered and this time, opined that consideration of experience in private hospitals/clinics was inconsistent with the provisions of Recruitment Rules and that, therefore, such experience should not be taken into consideration. It appears that by the time the State Government issued second clarificatory letter dated 17th November 2016, MPSC had already prepared the select list and recommended the names of candidates to the State Government.....

50. Detailed submissions have been made by rival parties on acceptance of experience in private hospitals/clinics. There can be no matter of doubt that Recruitment Rules do not specifically bar consideration of experience in private

hospitals/clinics. However, at the same time, Recruitment Rules prescribe possession of experience as 'clinical assistant or on a post equivalent or higher than clinical assistant'. It is submitted that the post of clinical assistant is available only in Government hospitals/semi-Government hospitals. We could have delved further in this issue to record our findings about exact experience which could be accepted. However, the selection has already been finalized and the State Government has appointed candidates having experience in private hospitals/clinics, who have been serving since the year 2017. It would be too late now to disturb them. Also, in the situation that prevails now, the main thrust of the original applicants is on getting themselves appointed against 67 unfilled vacancies rather than unseating the candidates with private experience who are already appointed. Considering the language employed in the recruitment rules, changing stand of the State Government and factum of appointment of some of the candidates posing private experience, we refrain ourselves from recording any conclusive finding on the issue of acceptance of experience in private hospitals/clinics and leave the same to be decided in an appropriate case.

51. We thus have before us a unique case where we have upheld MPSC's action of shortlisting, which would throw all the original applicants possessing qualifications of BDS out of interview process. However, they have already been interviewed in pursuance of interim order passed by the Tribunal. We have not recorded any conclusive finding on the exact experience which could be accepted. If private experience is to be excluded, the shortlisting itself would be rendered erroneous. In the light of the position that now emerges before us, we proceed to determine the exact course of action that can be adopted to balance the equities.

52. As observed by the Tribunal, out of 188 names recommended by the MPSC, only 122 candidates joined the service, thereby leaving 67 vacancies of Dental Surgeon vacant. In the event we accept the contentions of the original applicants that experience in private hospitals/clinics cannot be taken into consideration, the action of MPSC in resorting to shortlisting would be rendered meaningless as the number of eligible candidates with experience on the post of clinical assistant would be less than 567. Thus, we have a unique situation where MPSC has already adopted shortlisting criteria and have recommended names of candidates having experience in private hospitals/clinics. The State Government has opined vide its letter dated 17th

November 2016 that experience in private hospitals/clinics cannot be considered. The Recruitment Rules provide some degree of jurisdiction on the State Government to determine the exact nature of experience which can be taken into consideration as the words used in the Recruitment Rules are "which in the opinion of the Government is equivalent or higher than the post of clinical assistant". 67 posts of Dental Surgeon still continue to remain vacant, despite issuance of appointment orders to all 188 recommended candidates. The advertised vacancies were 189. In these circumstances, in our view, though the Tribunal has erred in criticizing the action of MPSC in resorting to shortlisting, the ultimate direction issued by the Tribunal to send the names of the original applicants for being appointed need not be disturbed. The original applicants have already been interviewed by MPSC in pursuance of the interim orders passed by the Tribunal. In these circumstances, we are of the considered view that the ends of justice would meet if the MPSC is directed to recommend the names of only those original applicants who are already interviewed against 67 unfilled vacancies of Dental Surgeon, based on their performance in the interview. We are conscious of the fact that there are several other candidates who may possess the experience on the post of clinical assistant but did not approach the Tribunal and who are similarly situated to the original applicants. However, considering the peculiar facts and circumstances of the present case, we are restricting the relief only to the original applicants who had approached the Tribunal and who have been litigating since the year 2015 and pursuant to the order of Tribunal are interfered. In these peculiar circumstances, the benefit of the present judgment cannot be extended to those similarly situated candidates who did not move the Tribunal."

8. The office objections, if any, are to be removed and court fees to be paid, if not already paid.
9. Issue notice before admission returnable on 25.4.2023.
10. 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.
11. 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.

12. 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.

13. 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."

14. S.O to 25.4.2023.

Sd/-

(**Medha Gadgil**)
Member (A)

(**Mridula Bhatkar, J.**)
Chairperson

Place : Mumbai

Date : 13.04.2023

Dictation taken by : A.K. Nair.