

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>M.A. No.309 of 2024 in O.A. No.651 of 2024</u></p> <p>S.C. Kamble & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Abhijit Tambe, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. By consent MA disposed off accordingly.</p> <p align="right">Sd/- / (Mridula Bhatkar, J.) Chairperson 13.5.2024</p> <p>(sgj)</p>

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	<p><u>O.A. No.651 of 2024</u></p> <p>S.C. Kamble & 6 Ors. ..Applicants Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri Abhijit Tambe, learned Advocate for the Applicants and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Ld. Advocate for the applicants submits that all the 7 applicants have applied for the post of Staff Nurse pursuant to the advertisement dated 28.8.2023 issued by the Public Health Department. They challenge the orders dated 8.4.2024 and 10.4.2024 thereby rejecting the candidature of the applicants on the ground that they have taken training from the private institution and however while filling up the form they have ticked marked the column of 'Government Quota'. Ld. Advocate for the applicants submits that these two orders are to be quashed and set aside and applicants are to be considered for the post of Staff Nurse. He submits that the respondents have advertised total 275 posts and they prepared the select list of 223 candidates. Out of that 47 candidates does not join and thus out of 275 only 176 candidates are shown in the select list. Ld. Advocate for the applicants submits that the case of the applicants is covered by the judgment and order dated 28.3.2024 passed by DB of this Tribunal in OA No.402 of 2024 Dipali Vishwanath Darkonde Vs. The State of Maharashtra & Ors.</p> <p>3. Ld. PO while opposing the submissions of the Ld. Advocate for the applicants has argued that the applicants have committed mistake in tick marking in the Government Quota column while they are eligible only for private quota as they have taken training from private institution and not from Government institute.</p> <p>4. This OA is filed on 10.5.2024 and moved before the Vacation Court. I have gone through the facts of the case and found that the case of these seven applicants is similar to</p>

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the case of Dipali V. Darkonde (supra). This Tribunal has allowed the said OA No.402/2024 and as the present applicants are similarly situated this is squarely applicable to them and the same relief is granted to the present applicants. Para 9 of the said order reads as under:

"9. Thus, when there is no compromise in respect of basic qualification and also on the point of merit as the applicant is topper in Government as well as Private quota. For the reasons above discussed above, the Applicant cannot be disqualified on the ground of tick marking the Government quota instead of Private quota. When the Government has accommodated other candidates who have given options as per their understanding in absence of clarification about Institutes coming under local bodies then the denial of the Applicant is against the principles of natural justice and arbitrary and hence, illegal. There is no violation of maintaining 50% quota if the applicant is accommodated on the basis of type of the Institute where she has taken Education wherein the applicant can be accommodated as per the second release in the Private quota."

5. In view of this OA is allowed and the impugned orders dated 8.4.2024 and 10.4.2024 are set aside. The respondents are directed to consider the names of the applicants for their admission as per their eligibility. By consent OA is disposed off. No orders as to cost.

Sd/-

(Mridula Bhatkar, J.)

Chairperson

13.5.2024

(sgj)

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	<p style="text-align: center;"><u>O.A. No.653 of 2024</u></p> <p>G.S. Wade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri G.B. Solanke, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.</p> <p>2. Not on board. Mentioned and taken on board. 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 14.6.2024. The respondents are directed to file reply.</p> <p>4. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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 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: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 13.5.2024</p> <p>(sgj)</p>