

ORIGINAL APPLICATION NO. 454/2022
(Shri Rajendra B. Kawale Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
(VACATION COURT)

DATE : **13.5.2022**

ORAL ORDER :

Heard Shri V.V. Gujar, learned counsel appearing for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondent authorities.

2. The learned counsel for the applicant seeks leave to amend the prayer clause. Since today only the matter is put before the Tribunal for consideration and notice has not yet been issued, leave as prayed for granted. The necessary amendment be carried out forthwith.

3. The applicant is desiring to appear for M.P.S.C. examination in pursuance of the advertisement published on 11.5.2022. However, the applicant could not submit his online application and said attempt has failed on the ground that the applicant is not fulfilling the age criteria as per Government Resolution dated 17.12.2021. Government Resolution dated 17.12.2021 is filed on record by the applicant. As per the said G.R. the candidates, who have crossed the upper age limit for applying for the Government posts during the period between 1.3.2020 to

17.12.22021 are allowed to apply for the posts which may be advertised by M.P.S.C. till 31.12.2022. The learned counsel submits that the applicant is completing 43 years of his age on 1.7.2022, and as such, the online application could not be accepted. The learned counsel submits that the candidates aged than the applicant are being allowed on the strength of G.R. dated 17.12.2021 and the application of the present applicant has not been accepted by the system. The learned counsel in the circumstances has prayed for interim relief thereby seeking directions against the M.P.S.C. to accept the form of the present applicant and to extend the benefits of the said G.R. to the present applicant also.

4. The learned Chief Presenting Officer submits that he will take instructions and will make a statement and if possible will file affidavit in reply within a week.

5. In view of the submissions made by the learned counsel appearing for the applicant and the learned Chief Presenting Officer appearing for the respondent authorities, the following order is passed :-

ORDER

1. Issue notices to the respondents, returnable on 20.5.2022.

2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
3. 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.
4. 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.
5. 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.
6. S.O. to 20.5.2022.
7. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 451 OF 2022
(Dhammapal Eknathrao Ughade Vs. State of Maha. & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman

[VACATION COURT]

DATE : 13.5.2022

ORAL ORDER :

Heard Shri H.V. Tungar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is the grievance of the applicant that though he is entitled and eligible for his selection on the post of Deputy Education Officer, his name has been included in the list of not eligible candidates. Learned counsel for the applicant submits that the reasons are not disclosed as to on what ground the applicant has been held not eligible. Relying on the judgment of this Tribunal in O.A. No. 634/2017 it is the contention of the learned counsel that the applicant fulfills the eligibility criteria as prescribed in the advertisement. Learned counsel submitted that interviews are likely to be commenced in near future.

3. In view of the aforesaid submissions so made the following order is passed.

ORDER

- 1) Issue notices to the respondents, returnable on 8.6.2022.

- 2) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) S.O. to 8.6.2022.
- 7) Steno copy and Humdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 452 OF 2022
(Nandkumar Ganpatrao Dhoke Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman

[VACATION COURT]

DATE : **13.5.2022**

ORAL ORDER :

Heard Shri H.V. Tungar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is the grievance of the applicant that though he is entitled and eligible for his selection on the post of Deputy Education Officer, his name has been included in the list of not eligible candidates. Learned counsel for the applicant submits that the reasons are not disclosed as to on what ground the applicant has been held not eligible. Relying on the judgment of this Tribunal in O.A. No. 634/2017 it is the contention of the learned counsel that the applicant fulfills the eligibility criteria as prescribed in the advertisement. Learned counsel submitted that interviews are likely to be commenced in near future.

3. In view of the aforesaid submissions so made the following order is passed.

ORDER

- 1) Issue notices to the respondents, returnable on 8.6.2022.

- 2) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) S.O. to 8.6.2022.
- 7) Steno copy and Humdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 453 OF 2022
(Arun Laxminarayan Dhakate Vs. State of Maha. & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman

[VACATION COURT]

DATE : **13.5.2022**

ORAL ORDER :

Heard Shri H.V. Tungar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is the grievance of the applicant that though he is entitled and eligible for his selection on the post of Deputy Education Officer, his name has been included in the list of not eligible candidates. Learned counsel for the applicant submits that the reasons are not disclosed as to on what ground the applicant has been held not eligible. Relying on the judgment of this Tribunal in O.A. No. 634/2017 it is the contention of the learned counsel that the applicant fulfills the eligibility criteria as prescribed in the advertisement. Learned counsel submitted that interviews are likely to be commenced in near future.

3. In view of the aforesaid submissions so made the following order is passed.

ORDER

- 1) Issue notices to the respondents, returnable on 8.6.2022.

- 2) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) S.O. to 8.6.2022.
- 7) Steno copy and Humdast is allowed to both parties.

VICE CHAIRMAN