

ORIGINAL APPLICATION NO.225/2021
(Surekha B. Andhale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 20.05.2021

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 10.06.2021.

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 10.06.2021.

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

MEMBER (J)

M.A.ST.NO.523/2021 IN O.A.ST.NO.515/2021
(Surekha B. Andhale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 20.05.2021

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondents.

2. By this M.A., applicant Nos.1 & 2 through their learned Advocate, are seeking permission to sue their cause raised in the O.A. jointly.

3. O.A. is filed by the applicants challenging validity of Rule 4(1)(k) and 4(1)(kh) of the Maharashtra Nursing Services (Recruitment) Rules 2021. Said rules provide qualification for the post of Tutor. As per the said rules, Staff Nurses possessing qualification of MSc are held eligible for appointment on the post of Tutor. The applicants are working as Staff Nurses. The Applicants have acquired qualification of P.B.B.Sc i.e. Post Basic Bachelor of Nursing Science. By the present rule the Staff Nurses with qualification of B.Sc. Nursing are excluded for being eligible for the post of Tutor. In view of the same the applicants are aggrieved by the exclusion of Staff Nurses from the zone of consideration for promotion to the post of Tutor.

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M.A.ST.NO.523/2021 IN O.A.ST.NO.515/2021

4. In view of above, it is contention of the applicants that the grievance in challenge and the facts on the basis of which present application is filed are same and identical. Grounds of challenge are also same. Hence, this application.

5. Considering the facts and circumstances of the case, it is prima facie evident that the applicants are similarly situated persons and are aggrieved by the amended recruitment rules and seek to challenge the same. Hence, in order to avoid multiplicity of litigation, it is just and proper to grant leave to sue jointly.

6. M.A. for sue jointly is allowed. The applicants are granted permission to sue respondents jointly for their cause. M.A. stands disposed of accordingly with no order as to costs.

MEMBER (J)

O.A.ST.NO.515/2021

(Surekha B. Andhale & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 20.05.2021

ORAL ORDER :

Heard Shri Santosh S. Jadhavar, learned Advocate for the applicants, Shri D.R.Patil, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 10.06.2021.

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 10.06.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO.597/2020
(Amol Shidore Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 20.05.2021

ORAL ORDER :

Heard Shri Sandeep R. Andhale, learned Advocate for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to produce G.R. dated 21 September, 2017 and seeks leave to make annexures to the O.A. Permission granted.

3. On the request made by the learned P.O., S.O. to 18-06-2021 for reply.

MEMBER (J)

ORIGINAL APPLICATION NO.264/2020
(Sunilkumar Rathi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 20.05.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondent nos.1 & 2, Shri V.M.Vibhute learned Advocate for respondent no.3 and Shri V.B.Wagh learned Advocate for respondent no.4.

2. Record shows that the pleadings in the O.A. are complete.

3. Learned Advocate for the respondent no.4 submits that because of the interim relief granted in the matter, respondent no.4 is affected. Hence, prays for early hearing of the matter.

4. Considering the facts and circumstances, the original application is fixed for hearing at the stage of admission.

5. S.O. to 14-06-2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

ORIGINAL APPLICATION NO. 123 OF 2021
(Gaurishankar P. Swami Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 20.05.2021

ORAL ORDER :

Heard Shri Kiran Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that on 18.05.2021 the applicant has produced on record short affidavit stating that he has joined at transferred place on 17.05.2021 afternoon as per the direction given by this Tribunal on 25.02.2021.

3. Record shows that the pleadings up to rejoinder are complete. In view of the same, the present matter is fixed for hearing at the stage of admission on 17.06.2021.

4. S.O. to 17.06.2021.

MEMBER (J)

O.A. St. No. 1749/2019 with M.A. No. 456/2019
(Sandip V. Ganage Vs. State of Maharashtra & Ors.)

CORAM : Shri V.D. Dongre, Member (J)

DATE : 20.05.2021

ORAL ORDER :

Heard Shri S.R. Andhale, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 to 4.

2. Learned P.O. for respondent No. 1 and learned Advocate for respondent Nos. 2 to 4 waive service of notice for the respective respondents in O.A. Therefore, it is not necessary to issue notices to any of respondents.

3. S.O. to 12.07.2021.

MEMBER (J)

Date : 20.5.2021

O.A. 226/2021

**(Khilesh Kashinath Chaudhari V/s State of
Maharashtra & Ors.)**

**Per :- Standing directions of Hon'ble
Chairperson, M.A.T., Mumbai**

1. Shri Pramod S. Gaikwad, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 17.6.2021. The case be listed for admission hearing on 17.6.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
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 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 20.5.2021
M.A. 118/2021 IN O.A. ST. 395/2021
(Mira B. Avhad V/s State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble
Chairperson, M.A.T., Mumbai**

1. Shri Santosh S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents in M.A., returnable on 17.6.2021. The case be listed for admission hearing on 17.6.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
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 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR