C.P. No. 21/2021 IN O.A. No. 355/2017 (Rajendra T. Dawange Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri K.B. Jadhav, learned Counsel for the applicants and Shri I.S. thorat, learned Presenting Officer for the respondents, are present.

- 2. Learned Counsel for the applicant has tendered across the bar compilation of some documents. Same is taken on record.
- 3. S.O. to 15.02.2022 for further consideration.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 21.01.2022

ORIGINAL APPLICATION NO. 47 OF 2022

(Sanjay V. Sonawane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 21.01.2022

ORAL ORDER:

Heard Shri S.D. Joshi, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 2. The M.P.S.C. has published the advertisement inviting the applications for the post of Art Director. It is the contention of the applicant that he is satisfying the eligibility criteria as prescribed in the said advertisement, more particularly clause 3.4 of the said advertisement. It is further contention of the applicant that even in the year 2017, the subject post was advertised and at that time the applicant was called for interview, however, he was not selected.
- 3. Learned Counsel for the applicant submitted that the respondents have declared the list of 'not eligible' candidates assigning reasons on what ground the candidate concerned has been held not eligible. The said list is at page No. 15 of paper book of the compilation. Name of the applicant is at Sr. No. 10 and the reason assigned is,- "does not possess experience as per

advertisement para No. 3.4". Para 3.4 in the advertisement reads as under:-

"३.४ अनुभव:-

- ३.४.१. शासन मान्य कला संस्थेतील अद्यापनाचा किंवा शासन मान्य कला संस्थेतील प्रशासकीय कामाचा १७ वर्षांपेक्षा कमी नाही इतक्या वर्षाचा एकत्रित किंवा अपवर्जक अनुभव.
- ३.४.२ शासन निणर्य, उच्च व तंत्र शिक्षण विभाग, क्रमांकः एडीआर—२०१४/प्र.क्र.१३६/तांशि—६, दिनांक १ ऑगस्ट, २०१९ अन्वये शासनाकडून घेण्यात आलेल्या निर्णयानुसार उपरोक्त अनुभव विहित शैक्षणिक अर्हता प्राप्त केल्यानंतर किंवा शैक्षणिक अर्हता धारण करण्याच्या कालावधीत केलेला असला तरी तो ग्राहय धरण्यात येईल."
- 4. Learned Counsel for the applicant further submitted that the applicant is working since last 21-22 years as a Principal of the 'Chitrakala Mahavidyalaya, Kopergaon' and has secured Master degree in Fine Art in the year 2013. Learned Counsel further submitted that considering the eligibility criteria as prescribed in the advertisement, the applicant is duly possessing the qualification and hence, he must have been held eligible.
- 5. Shri M.S. Mahajan, learned Chief Presenting Officer invited our attention to document at page No. 25 of the paper book in the compilation and submitted that even in the year 2017 the present applicant was not considered for his appointment on the same ground that

he was not holding prescribed experience. Learned C.P.O. further clarified that there is no approval from the competent authority to the appointment of the present applicant as Principal, though he may be working as Principal of the concerned Chitrakala Mahavidyalaya, Kopergaon. Learned C.P.O. further submitted that the decision in the year 2017 whereby, the experience of the applicant was not held to be acceptable has not been challenged by the applicant and as such now he is estopped from saying that the respondents have illegally or incorrectly held him not eligible.

- 6. In the O.A., the applicant has contended that in the advertisement it is nowhere specified that there must be approval to the appointment on which the candidate concerned is working and is citing the experience on the said post for claiming eligibility for the said post. Learned Counsel for the applicant submitted that the criteria, which is not a part of the advertisement, cannot be used for declaring any candidate not eligible on the said ground by the M.P.S.C.
- 7. It is the further contention of the applicant that though presently he is not having any evidence, according to the information which is received to him, one of the candidates called for interview is also at par

with the present applicant and the post on which he is working has no recognition of the Directorate. Learned Counsel, on these grounds has prayed for interim relief to direct the MPSC to call the present applicant also for interview. Learned Counsel further argued that even otherwise it will be ideal, if for one post, three candidates are called, which would be as per the established Government norms in filling the post.

- 8. It is informed to us that interviews are scheduled today and by this time perhaps the interviews must have been conducted. In the circumstances, learned Counsel prayed that the MPSC be directed not to declare the result of the said interview without interviewing the present applicant.
- 9. On perusal of the material, which is placed on record, it prima-facie, appears that the advertisement on the basis of which the present applicant and few others have applied and more particularly clause 3.4 thereof, which is reproduced hereinabove, is silent on the issue whether there must be recognition also for the appointment of the candidate on the concerned post, the experience of which is cited by him for fulfilling the eligibility criteria. It is not disputed that the Chitrakala Mahavidyalaya Kopergaon, where the applicant is working as Principal, is Government recognized

Chitrakala Mahavidyalaya. The applicant is not disputing that there is no recognition from the Directorate for his appointment on the post of Principal.

- 10. From the facts as are mentioned hereinabove, it appears to us that prima-facie case is made out by the applicant to accept his contention for issuing direction that the M.P.S.C. shall reconsider the reason as has been assigned while declaring the applicant not eligible since there is no specific condition in the advertisement published in that regard. We direct accordingly. M.P.S.C. is further required to scrutinize whether one of the candidates who have been called for interview, is not having recognition for his appointment in the light of the allegations made in the present O.A. If M.P.S.C. finds that the ground on which the applicant has been declared not eligible is liable to be reconsidered, may reconsider it and then take a decision whether he has to be called for interview and if finds it apt may call him for interview. M.P.S.C. shall complete this exercise within two weeks. Till then the MPSC shall not declare the result of the interview held today i.e. on 21.01.2022.
- 11. Learned C.P.O. is directed to communicate this order to the MPSC for necessary action.

//6// O.A. 47/2022

- 12. Steno copy allowed to the both the parities.
- 13. S.O. to 04.02.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 21.01.2022

ORIGINAL APPLICATION NO. 768 OF 2018 (Vijaykumar V. Giri & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

- 2. Learned counsel for the applicant sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 23.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 625 OF 2019 (Dattatrya N. Shastri Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri M.D. Narwadkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 24.2.2022.

MEMBER (A) MEMBER (J)

ORIGINAL APPLICATION NO. 800 OF 2019 (Maheshkumar P. Sathe Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 21.01.2022

ORAL ORDER:

Shri Sandip R. Andhale, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

- 2. Learned counsel for the applicant sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 25.2.2022.

MEMBER (A)

MEMBER (J)

O.A.NOS. 47, 48, 49 & 59 ALL OF 2020 (Damodhar B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned counsel for the applicants in all these cases and Shri I.S. Thorat, learned Presenting Officer for the respondents in all these cases, are present.

- 2. Learned Presenting Officer sought time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.
- 3. S.O. to 25.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.78 OF 2020 (Nagorao R. Paikrao Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Santosh G. Chapalgaonkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 28.02.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.331 OF 2020 (Santosh B. Jadhav Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Satish P. Dhoble, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar sur rejoinder on behalf of respondent Nos.1 to 6 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 28.02.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.496 OF 2020 (Mohd Akif Abrar s/o Mohd. Abdul Rauf Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 and 2, are present. None appears for respondent Nos.3 to 5, though duly served.

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

3. S.O. to 01.03.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.419 OF 2021 (Deepak P. Dungahu Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Amil B. Chalak, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos.2 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.03.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.478 OF 2021 (Syed Mujahed Syed Qutbuddin Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri V.G. Pingle, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 02.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.600 OF 2021 (Subhash G. Dhuture Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted as a last chance.
- 3. S.O. to 02.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.692 OF 2021 (Sachin S. Kamble Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Mayur Subhedar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 28.01.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.713 OF 2021 (Yogesh C. Gupta & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Santosh S. Dambe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 07.02.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.803 OF 2021 (Parmeshwar D. Bellale & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Madhur A. Golegonkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 03.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.804 OF 2021 (Vilas S. Rokade & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Madhur A. Golegonkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 03.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.808 OF 2021 (Rohini N. Pashte Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Rahul B. Temak, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

- 2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 03.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.816 OF 2021 (Ramkisan J. Nampalle & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Vaibhav B. Dhage, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 03.03.2022.

MEMBER (A)

MEMBER (J)

M.A.NO.380 OF 2019 IN O.A.NO.290 OF 2019 (Rajesh L. Tangade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent No.1, are present. Shri Avinash D. Aghav, learned Advocate for the respondent No.2 is **absent**.

2. By consent of both the parties, S.O. to 21.02.2022.

MEMBER (A)

MEMBER (J)

Date:21.01.2022

ORIGINAL APPLICATION NO.53 OF 2022 (Sudhakar N. Dusane V/s The State of Maharashtra & Ors.)

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

- 1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present
- 2. Circulation is granted. Issue notices to the respondents, returnable on 14.02.2022. The case be listed for admission hearing on **14.02.2022**.
- 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.

ORIGINAL APPLICATION NO. 15 OF 2022 (Buddhisagr B. Sawant Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Vilas P. Savant, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

The present matter is not on today's board. It is taken on board.

- 2. Learned counsel for the applicant seeks permission of this Tribunal to correct the name of the office of respondent No. 4. Permission granted.
- 3. The necessary amendment be carried out forthwith.
- 4. S.O. to 22.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 303 OF 2020 (Sanjay D. Dongaonkar Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri P.N. Sonpethkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. The present matter be kept for hearing on 28.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 849 OF 2018 (Dr. Vinod A. Kakade & Ors. Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri S.G. Chapalgaonkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. The present case is not on today's board. It is taken on board.

The present case is reserved for orders, but the orders have not yet been passed. The learned counsel for the applicant today sought permission to place on record one more judgment, which supports his case. The copy of the same is taken on record. Learned Chief Presenting Officer is provided with the copy of the said judgment.

- 3. Learned C.P.O. submitted for passing orders on the basis of the arguments advanced previously.
- 4. Reserved for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 743 OF 2021 (Ashish S. Susare Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Suresh P. Salgar, learned counsel for the applicant and Shri M.S. Mahajan, learned Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for further consideration on 25.1.2022.

MEMBER (A)

MEMBER (J)

C.P.NO. 19/2019 IN O.A.NO. 226/2016 (Shivram N. Dhapate Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri P.B. Jadhav, learned counsel holding for Shri P.M. Shinde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

- 2. Learned counsel for the applicant sought time. Time granted.
- 3. S.O. to 1.3.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 12 OF 2022 (Dr. Ganesh G. Kalyankar & Ors. Vs. State of Maha. & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri M.R. Kulkarni, learned counsel for the applicants and Shri M.S. Mahajan, learned Presenting Officer for the respondents, are present.

- 2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 14.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 249 OF 2019 (Ashok R. Khandagale Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri S.R. Sapkal, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.2.2022 for hearing at the stage of admission itself.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 355 OF 2020 (Chandana R. Kokani Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Ajay Deshpande, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. The present matter be listed for hearing at the stage of admission itself on 14.2.2022. In the meantime, if the applicant so desires he may file affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

C.P. 1/22 IN M.A.1/22 IN T.A.2/21 (W.P.2612/21) WITH M.A. 337/21 & M.A. 309/2021 (Smt. Samiksha Chandrakar & Anr. Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 21.01.2022

ORAL ORDER:

Shri Ajay Deshpande, learned counsel for the applicant, Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities, Shri U.S. Patil, learned counsel for the applicant in M.A. No. 337/2021, are present.

- 2. Affidavit in reply on behalf of respondent No. 1 is tendered across the bar and the same is taken on record and copy of the same is given to the other side.
- 3. Affidavit in reply on behalf of respondent No. 2 is also tendered across the bar and the same is also taken on record and copy of the same is also given to the other side.
- 4. Affidavit in reply is tendered across the bar on behalf of respondent No. 1 in M.A. No. 309/2021 and the same is taken on record and copy of the same is given to the other side.

:: - 2 - :: C.P. 1/22 IN M.A.1/22 IN T.A.2/21 (W.P.2612/21) WITH M.A. 337/21 & M.A. 309/2021

- 5. Learned counsel for the applicant sought permission to delete the name of respondent No. 4. Permission granted. The name of respondent No. 4 be deleted from the array of the respondents forthwith.
- 6. S.O. to 2.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 341 OF 2019 (Kamal R. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri A.M. Nagarkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.
- 3. Learned counsel for the applicant prays for some time for filing rejoinder affidavit. Time granted as prayed for. The matter be fixed for hearing on 17.2.2022. In the meantime, the applicant may file rejoinder, if so desires.

MEMBER (A)

MEMBER (J)

T.A.NO. 1/2021 (W.P. NO. 4908/2021) (Shivaji T. Shinde & Anr. Vs. State of Maha. & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri A.S. Deshmukh, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2, Shri Ujjwal Patil, learned counsel for respondent Nos. 3 to 5 and Shri A.S. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for respondent Nos. 6 to 8, are present.

2. S.O. to 2.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 21.01.2022-HDD

ORIGINAL APPLICATION NO. 925 OF 2018 (Kisan D. Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri A.C. Deshpande, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

- 2. Learned counsel for the applicant sought time for filing affidavit in rejoinder. Time granted.
- 3. S.O. to 18.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 21.01.2022-HDD

C.P. No. 6/2021 IN O.A. No. 165/2019 (Supriya K. Deshpande & Ors. Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri V.V. Ingle, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 02.02.2022 for hearing.

MEMBER (A)

MEMBER (J)

C.P. No. 9/2021 IN O.A. No. 70/2018 (Dadabhau T. Parte Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Ms. Preeti Wankhade, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 09.02.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 487 OF 2017 (Bhagwanrao J. Nagargoje Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri A.N. Patale, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.02.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 614 OF 2018 (Dr. Minakshi B. Pathak Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri V.B. Wagh, learned Counsel for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Rahul Pawar, learned Counsel for respondent Nos. 4 & 5, are present.

2. S.O. to 01.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 641 OF 2018 (Balam A. Pathan Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri R.R. Bangar, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.02.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1065 OF 2019 (Dr. Jahagirdar D. Nizam Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri V.B. Wagh, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 431 OF 2020 (Purushottam G. Khule Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2, Shri S.P. Salgar, learned Counsel for respondent Nos. 3 to 5 and Shri S.D. Joshi, learned Counsel for respondent No. 6, are present.

2. S.O. to 01.03.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 78 OF 2021 (Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned Counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 3 and Shri C.D. Biradar, learned Counsel for respondent Nos. 1 & 2, are present.

2. S.O. to 16.02.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 745 OF 2021 (Arvind D. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri V.B. Wagh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

- 2. Learned Counsel has filed rejoinder affidavit of the applicant. It is taken on record and copy thereof has been supplied to the learned C.P.O.
- 3. S.O. to 07.02.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 601/2019 in O.A. St. No. 211/2019

(Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatna, Through its President (Zaki Ahmed Jafri) Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 21.01.2022

ORAL ORDER:

Shri A.S. Khedkar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 14.02.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 157/2020 in O.A. 850/2019 (Shrikant K. Madilwar Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri D.G. Kamble, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 9.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 300/2015

(Santosh P. Namdas Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri A.S. Deshmukh, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 16.02.2022 for final hearing.

MEMBER (A)

MEMBER (J)

C.P. 2/2022 IN O.A. 391/2020 (Dr. Sanjay P. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Heard Shri V.G. Pingle, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Today when the present Contempt Petition is taken up for consideration at the face of it, it appears to us that no case is made out by the applicant in this contempt petition. The order passed by the Tribunal on 15.12.2020 in O.A. No. 391/2020 is as below:-

"Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

- 2. The learned P.O. has produced the letter written by Under Secretary, Government of Maharashtra to Public Health Department dated 14.12.2020. In para no.3 of the letter it is mentioned that the Government has given sanction for giving posting to the Applicant and necessary order would be issued in due course.
- 3. It seems that the Applicant is Additional District Civil Surgeon. He was transferred though he was not due. Dr. Smt. Padmaja Balkrishna Kulkarni (Saraf) was appointed by promotion and the Applicant came to be relived but no posting was given to him.

- ::-2-::
- 4. It seems that since 1st October, 2020, the Applicant is without work. It is not fair on the part of the employer to keep medical officer away from his office/work as it is prejudicial to the society and also when the society is suffering from threat of Covid-19.
- 5. In view of this, the Respondents are directed to give posting to the Applicant within a period of two weeks from the date of receipt of this order and issue necessary order to pay his salary from 1st October, 2020.
- 6. In view of above, the Original Application stands disposed of. No order as to costs."
- 3. It is nowhere brought to our notice that any decision has been taken by the respondents not to pay arrears of salary to the applicant. On the contrary, letter placed on record reveals that some steps are taken towards compliance of the order of the Tribunal passed in O.A.
- 4. In the above circumstances, it appears to us that the applicant should have restrain from making any application alleging contempt of the order of the Tribunal. The present Contempt Petition being devoid of merit is disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. 125/2022 IN O.A. ST. 126/2022 (Dr. Sanjay K. Muley & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Heard Shri S.G. Chapalgaonkar, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

- 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. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

ORIGINAL APPLICATION ST. NO. 126/2022 (Dr. Sanjay K. Muley & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Heard Shri S.G. Chapalgaonkar, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. An advertisement has been published by the M.P.S.C. inviting applications for the post of District Health Officers Group-A and the qualification prescribed for the said post in the advertisement is Post Graduate Degree of a Statutory University in any clinical subject or the qualification specified in the first or second schedule to the Indian Medical Council Act, 1956 or any other qualification recognized as equivalent thereto by the Medical Council of India. The applicants in the present application are holding the Post Graduate Degree from Shri Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum. According to the applicants they are satisfying the criteria insofar as the qualification is concerned.

- 3. The applicants attempted to apply online for the said post, however, their applications were not accepted. Thereafter they made representations with the respondent no. 2 the M.P.S.C. but the same have been rejected vide communication dated 14.1.2022 on the ground that the Degree held by the applicants is not equivalent to the qualification prescribed in the advertisement.
- 4. Shri Chapalgaonkar, learned Counsel for the applicants invited our attention to the documents filed on record to buttress his submission that the Degree held by the applicants is equivalent to the qualification as prescribed in the advertisement and that the M.P.S.C. has wrongly rejected their applications. The learned Counsel submitted that the applicants are quite sure about their success in the present application and would definitely establish that the Degree, which the applicants are holding is equivalent to the qualification as prescribed in the advertisement. The learned Counsel further submitted that the last date for making applications is 23.1.2022 and if the applications of the applicants are not accepted, they may be deprived from participating in the further

::-3-::

process of selection, though having due qualification with them.

- 5. The learned C.P.O. has opposed for grant of any interim relief in favour of the applicants and has prayed for time for filing affidavit in reply of the respondents.
- 6. After having heard the learned Counsel for the applicants and on perusal of documents filed on record, we find substance in the contentions raised by the applicants in the present application. The documents on record, prima-facie, leads to the conclusion that the Degree which the applicants are holding is equivalent to the qualification as prescribed in the advertisement. Off-course, these are our prima-facie observations and unless the affidavit in reply is received from the respondents, the issue may not be finally adjudicated. However, we have no doubt in our mind that the applicants have made out a prima-facie case for grant of interim relief and if the interim relief as has been prayed for by them is not granted, they will suffer irreparable loss since they will be out of this

::-4-::

selection process. For the reasons stated aforesaid, we pass the following order:-

ORDER

- 1. The respondent no. 2 i.e. the M.P.S.C. shall accept the application forms of the present applicants, subject to final outcome of the present Original Application.
- 2. Issue notices to the respondents, returnable on 24.2.2022.
- 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 24.2.2022.
- 8. We request the learned C.P.O. to forthwith communicate this order to the respondent no. 2 the M.P.S.C.
- 9. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 312 OF 2015 (Shivani V. Sachdeva Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Ms. Angha Pandit, learned Counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 to 3, Shri A.S. Deshmukh, learned Counsel for respondent no. 4, Shri V.B. Wagh, learned Counsel for respondent no. 5, are present. Shri R.P. Adgaonkar, learned Counsel for respondent no. 6 (absent).

2. S.O. to 18.02.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 374 OF 2019 (Dr. Mohammad Sharif Bismilla Khan Pathan Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri V.B. Wagh, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 21.02.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 412 OF 2019 (Mohd. Fiaz Mohd. Ibrahim Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri D.R. Irale Patil, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 14.02.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 535 OF 2019 (Nitin D. Ingale Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Shri D.R. Irale Patil, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 14.02.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1030 OF 2019 (Dr. Jaya P. Dighe Vs. State of Maharashtra & Ors.)

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

(J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.01.2022

ORAL ORDER:

Ms. Angha Pandit, learned Counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, Shri N.S. Choudhary, learned Counsel for respondent no. 13, Shri A.B. Rajkar, learned Counsel for respondent nos. 12 & 14 and Shri A.S. Shelke, learned Counsel for respondent no. 15, are present.

2. S.O. to 21.02.2022 for final hearing.

MEMBER (A)

MEMBER (J)