

ORIGINAL APPLICATION NO. 1002 OF 2022
(Bharat K. Gore Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Sanket Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present Original Application is filed seeking regularization of services of the applicant on the post of Peon w.e.f. his initial date of appointment dated 08.03.2011. The applicant was appointed as a part time Sweeper on 08.03.2011 on consolidated pay of Rs. 450/- per month by the authority of Principal District and Sessions Judge, Dhule.

3. Thereafter, he was appointed on the post of Peon with a salary fixed in Pay Band, Grade Pay and Dearness Allowance applicable for Group-D posts taking minimum pay in the said pay band. The contractual service of the applicant was extended from time to time. Total 11 persons had been engaged as Peon on contractual basis granting them pay as per Pay Band, Grade Pay and Dearness

//2// O.A. No. 1002/2022

Allowance applicable for Group-D employees on contract basis for the period of six months as per the order dated 02.07.2012 by the Principal District and Sessions Judge, Dhule, who is also incidentally the Chairman of District Legal Services Authority, Dhule.

4. It is vide letter dated 28.02.2018 that the Registrar (Inspection-I), High Court (Appellate Side), Bombay forwarded representations by the applicant and Ors. dated 11.01.2018 to the Secretary, District Legal Services Authority, High Court, Mumbai for information and necessary action. Following which the Secretary, Maharashtra State Legal Aid Committee submitted a proposal dated 16.02.2022 to the Principal Secretary, Law and Judiciary Department, Government of Maharashtra, Mantralaya, Mumbai to allow payment of regular salary to the applicant and Ors. as regular Peon.

5. Thereafter, the applicant has filed the O.A. invoking provisions of Sec. 19 of the Maharashtra Administrative Tribunals Act, 1985. As stated earlier the applicant is seeking regularization of

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his services from his initial appointment on 08.03.2011, when he was an employee of the Court. In Section (2)(c) of the Administrative Tribunals Act, 1985 it is stated that the said Act is not applicable to any officer or servant of the Supreme Court or any of High Court or Courts subordinate thereof.

6. In view of the same, the learned Advocate for the applicant seeks permission to withdraw the present Original Application to file the same before the appropriate forum.

7. Permission to withdraw the present Original Application is granted with liberty to the applicant to file it before the appropriate forum. Accordingly, the O.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.66 OF 2018
(Dnyeshwar P. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate with Shri Kuldeep S. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 29.11.2022 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.618 OF 2018
(Sharad D. Raut Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. During the course of arguments it transpires that additional affidavit in reply filed on behalf of the respondents at page No.197. In that there is reference to communication dated 17.10.2017 sent by the Finance Department to the respondent No.2 i.e. Director, Accounts and Treasuries, Mumbai sending thereby representations made by the twenty employees including the applicant, who were seeking change in their postings. There is also reference to that in further affidavit in reply filed at page No.203 of P.B.

3. The respondents are directed to produce the documents referred at page Nos.197 and 203 of P.B.

4. The present matter be treated as part heard.

5. S.O. to 28.11.2022. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.25 OF 2019
(Dnyaneshwar D. Kale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. S.O. to 25.11.2022 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.768 OF 2019
(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 28.11.2022 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.147 OF 2018
(Dashrath G. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Dhananjay Mane, learned Advocate holding for Shri Nagesh G. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 02.12.2022. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.148 OF 2018
(Uttam E. Mudhiraj Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Dhananjay Mane, learned Advocate holding for Shri Nagesh G. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 02.12.2022. **High On Board.**

MEMBER (A)

MEMBER (J)

**C.P.NO.11 OF 2022 IN O.A.NO.621 OF 2017
(Shivananda B. Darade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicants (**absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.262 OF 2019
(Vijay U. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri D.D. Korade, learned Advocate with Shri R.P. Bhumkar, learned Advocate for the applicant, Shri D.R. Patil learned Presenting Officer for the respondent authorities and Shri V.M. Chate, learned Advocate for the respondent No.5.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.372 OF 2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.100 OF 2020
(Ashok R. Jagdhane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri A.G. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.125 OF 2020
(Venkati B. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Shri S.V. Deshmukh, learned Advocate for the applicant (**absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.127 OF 2020
(Resha P. Karhale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.265 OF 2020
(Gulab H. Panchal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.500 OF 2020
(Yeshwant K. Bhandare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.196 OF 2021
(Sandip P. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned C.P.O., S.O. to 30.11.2022 for hearing.

3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.440 OF 2021
(Waheeda Fiyjoddin Kazi Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.520 OF 2021
(Varsha V. Kularni & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

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

2. S.O. to 30.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.566 OF 2021
(Manisha H. Sonar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.678 OF 2021
(Suresh G. Tandale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.775 OF 2021
(Ganesh D. Ingale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

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

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.782 OF 2021
(Dhrupatrao P. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri C.R. More, learned Advocate holding for Shri G.K. Kshirsagar/G.J. Pahilwan, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.809 OF 2021
(Dr. Imran Nizam Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.B. Rajkar, learned Advocate for the respondent No.4.

2. S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.16 OF 2022
(Vd. Piyush K. Gandhi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.R. Kulkarni, learned Advocate for the respondent Nos.4 to 7.

2. S.O. to 19.12.2022 for hearing.
3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.28 OF 2022
(Girish A. Bibave & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.45 OF 2022
(Sanjay D. Pathrut & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri M.D. Narwadkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.390 OF 2022
(Rajdeepsingh G. Sardar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Rahul R. Karpe, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.451 OF 2022
(Dhammapl E. Ughade Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.452 OF 2022
WITH
(Nandkumar G. Dhoke Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.453 OF 2022
(Arun L. Dhakate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri U.S. Kharat, learned Advocate holding for Shri H.V. Tungar, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all theses O.As. Shri V.H. Solunke, learned Advocate for the respondent Nos.4 & 5 in all these O.As., is **absent**.

2. Affidavit in reply filed on behalf of respondent No.2 in O.A.No.451/2022 is taken on record and copy thereof has been served on the other side.

3. S.O. to 09.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.610 OF 2022
(Bhanudas A. Kalhapure Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

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

2.

MEMBER (A)

MEMBER (J)

**M.A.NO.82/2021 IN M.A.ST.276/2021 IN
O.A.NO.34/2011
(Bharat B. Sangale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.R. Kedar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

M.A.NO.111/2021 IN O.A.ST.NO.439/ 2021
(Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri J.M. Murkute, learned Advocate for the respondent Nos.35, 50, 58 & 59, is **absent**.

2. S.O. to 08.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

**M.A.NO.206/2021 IN O.A.ST.NO.608/2021
(Nitin M. Baviskar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

M.A.NO.13 OF 2022 IN O.A.NO.553 OF 2019
(Markand N. Gangaram & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Shri/S Mujahed Hussain/Quadri Taher Ali, learned Advocate for the applicants (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 13.12.2022 for further consideration.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

M.A.NO.288 OF 2022 IN O.A.NO.599 OF 2022
(Tushar T. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

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

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

ORIGINAL APPLICATION NO.111 OF 2013
(Gajanan M. Shikare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.S. Haikude, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities, Shri S.K. Sawangikar, learned Advocate for the respondent No.4 and Shri G.J. Kore, learned Advocate for the respondent No.3.

2. S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.439 OF 2013
(Sakharam G. Choughule Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.694 OF 2013
(Bashir Khan Daulat Khan Patel Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.517 OF 2015
(Pathan Wajiskhan Yunuskhan Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Shri S.R. Madhekar, learned Advocate for the applicant (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Second set is not filed.
3. S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A.NOS.635/2015, 21/2016, 618/2016 & 619/2016
(Dr. Sachin R. Phadnis & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant in O.A.No.635/2015, Shri M.R. Kulkarni, learned Advocate for the applicants in O.A.No.21/2016, 618/2016 & 619/2016 and Shri S.K. Shirse, Shri V.R. Bhumkar, Shri M.P. Gude & Shri D.R. Patil, respective learned Presenting Officer for the respondents in respective O.As.

2. S.O. to 13.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.733 OF 2016
(Vithal L. Badhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

None present on behalf of the applicant.

Heard Shri N.U. Yadav, learned Presenting
Officer for the respondents.

2. S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.773 OF 2016
(Govind D. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Shri G.J. Karne, learned Advocate for the applicant (**absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.802 OF 2018
(Jitendra B. Mutyalu Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Shri Sanjay B. Bhosale, learned Advocate for the applicant (**absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.900 OF 2018
(Bhika M. Pathare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Second set is not filed.
3. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.907 OF 2018
(Prabhakar A. Satdive Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Second set is not filed.
3. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.925 OF 2018
(Kisan D. Pawar & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.464 OF 2019
(Dayanand F.Gange Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate holding for Shri A.C. Deshpande, learned Advocate for the applicants in O.A.No.925/2018, Shri A.B. Rajkar, learned Advocate for the applicant in O.A.No.464/2019 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the O.As.

2. S.O. to 09.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.79 OF 2019
(Prakash F. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.938 OF 2019
(Maheboob Khan Mohd. Yousufkhan Pathan Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.55 OF 2020
(Bhagwan D. Sonwane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.R. Aghav, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

O.A.NOS.272 TO 283 ALL OF 2020
(Umesh L. Dargode & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

**ORIGINAL APPLICATION NO.350/2020, 351/2020 &
352/2020
(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 21.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant in all these O.As. and Shri D.R. Patil, learned Presenting Officer for the respondents in all these O.As.

2. The present matters are closed for order.

MEMBER (J)

SAS ORAL ORDERS 21.11.2022

ORIGINAL APPLICATION NO. 655 OF 2021
(Rahul D. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri U.L. Telgaonkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 459 OF 2022
(Suresh C. Kapate & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 736 OF 2012
(Devidas R. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Shri Sudhir Patil, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2019
(Bhagwan W. Landge Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 26 OF 2020
(Sanjay D. Salunke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Yogesh Jadhav, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents. Shri A.D. Madake, learned Advocate for respondent No. 19, absent.

2. At the request of learned Advocate for the applicant, S.O. to 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1026 OF 2022
(Dr. Pradeep V. Kendre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present Original Application is filed seeking quashment of not eligible candidate list issued by the respondent No. 2 i.e. the MPSC for the post of Anesthetist in Specialist category vide proclamation dated 17.11.2022 (Annexure A-5) to the extent of the applicant and consequently seeking declaration that the applicant is eligible to the said post as the respondent No. 2 has already issued the list of eligible candidates, whose interviews are kept on 21st and 22nd, November, 2022.

3. The applicant completed MBBS in June 2004 and he further completed Diploma in Anesthesia (DA) from the College of Physicians and Surgeons of Mumbai in October 2010. Copy of the Diploma

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O.A. No. 1026/2022

Certificate is at Annexure A-1. The applicant thereafter was selected for the post of Medical Officer (Anesthesiologist) vide order dated 07.04.2014 in the pay scale of Rs. 15600-39100 with Grade Pay of Rs. 5400/-. He was posted at Government Women's Hospital, Nanded, whereas he is working till date.

4. The respondent No. 2 i.e. MPSC issued the Advertisement No. 277/2021 dated 31.12.2021 for the post of Anesthetist in specialized category. The applicant having been fulfilled criteria applied for the said post. The respondent No. 2 i.e. MPSC published proclamation dated 15.11.2022 and thereby declared two lists, one of eligible candidates and another list of Not Eligible Candidates (Annexure A-5) for the said post. The applicant's name is shown at Sr. No. 9 in the Not Eligible Candidates list on the ground that the Diploma in Anesthesia (DA) granted by the College of Physicians and Surgeons of Mumbai (CPS) is not a recognized medical qualification in view of the Central Government Circular dated 22.01.2018 (Annexure A-7).

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O.A. No. 1026/2022

5. It is the contention of the applicant that he completed Diploma in Anesthesia (DA) from the College of Physicians and Surgeons of Mumbai in the year 2010 and the Notification is dated 22.01.2018. The said Notification is only prospectively effective from 22.01.2018 and not retrospectively. In view of the same, the applicant is seeking interim relief to appear for interview for the said post, which is scheduled on 21st and 22nd November, 2022.

6. Learned Advocate for the applicant advanced his arguments in consonance with the contentions raised in the O.A.

7. On the other hand, learned C.P.O. vehemently opposed for grant of interim relief contending that the applicant's Diploma in Anesthesia (DA) is derecognized by the Central Government Notification dated 22.01.2022, which can have retrospectively effect. Moreover, he submitted that at the time of filling up the form as per the advertisement for the post of Anesthetist in specialized category, the applicant was aware that his Diploma in Anesthesia (DA) from the College of Physicians and Surgeons of

//4//

O.A. No. 1026/2022

Mumbai was not recognized and as such, he was not having requisite educational qualification.

8. We have carefully gone through the Central Government Notification dated 22.01.2018 derecognizing of the College of Physicians and Surgeons, Mumbai is specified as under :-

“ In the first schedule of the IMC Act, 1956, following entries appearing under the main heading ‘College of Physicians and Surgeons, Mumbai’, the heading ‘Recognized Medical Qualifications’, shall be deleted :”

In the following table, Sr. No. 3 deals with Diploma in Anesthesia (DA). Against that it is mentioned that ‘this shall be recognized medical qualification when granted by College of Physicians and Surgeons, Mumbai on or after December 2009’. This entry said to have been deleted. In view of that the issue is whether Diploma obtained during the period of 2009 till issuance of Notification can be said to have become invalid. Prima-facie it does not appear so.

9. In view of above, in our considered opinion, in the Original Application, debatable and viable points

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O.A. No. 1026/2022

of interpretation of Central Government Notification dated 22.01.2018 are being raised, which require consideration in final hearing of the present matter. Till then the interim relief as prayed for by the applicant is not granted, the very purpose of filing of the present O.A. is likely to be frustrated. In the circumstances, in our considered opinion, it would be just and proper to direct the respondent No. 2 i.e. MPSC to allow the applicant for the interview held for the post of Anesthetist on 21st and 22nd November, 2022 or any other subsequent date as deem fit by the respondent No. 2. Nothing in this order may be construed to restrict the respondents from providing level playing ground or other similar treatment to similarly situated candidates, who may not be before this Tribunal at this stage. Fate of the applicant would be subject to the outcome of the present Original Application. It is ordered accordingly.

10. Issue notices to the respondents, returnable on 09.12.2022.

11. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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O.A. No. 1026/2022

12. 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.

13. 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.

14. 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.

15. S.O. to 09.12.2022.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 653 OF 2021
(Soni A. Mulange @ Soni U. Devane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri B.B. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present Original Application is filed seeking direction to allow the applicant to appear in the examination which was held on dated 24.10.2021 for the Group C post in Public Health Service Department as per the advertisement issued dated 04.08.2021.

3. On instructions learned Advocate for the applicant submits that the said examination is cancelled and therefore the present O.A. has become infructuous.

4. In the result, the Original Application stands disposed of as infructuous. There shall be no order as to costs.

MEMBER (A)
KPB ORAL ORDERS 21.11.2022

MEMBER (J)

**C.P. No. 04/2020 in O.A. No. 333/2017
(Shital A. Soni Vs. State of Maharashtra & Ors.)**

WITH

**C.P. No. 05/2020 in O.A. No. 336/2017
(Dr. Yogesh V. Solanke Vs. State of Maharashtra & Ors.)**

WITH

**C.P. No. 06/2020 in O.A. No. 332/2017
(Dr. Anil B. Biradar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these cases, S/shri I.S. Thorat, D.R. Patil & Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent authorities in respective cases and Shri M.S. Taur, learned Advocate for respondent No. 5 in C.P. 05/2020. Smt. M.S. Jagtap-Ware and Shri V.P. Narwade, learned Advocate for respondent No. 5 in C.P. 4/2020 & 6/2020 respectively, are **absent**.

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 3 & 5 in all these cases.

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1036 OF 2019
(Dr. Naresh S. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. Shri R.K. Jain, learned Advocate for respondent No. 4, **absent.**

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

3. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 113 OF 2020
(Graduate Part Time Employees Association, Dhule Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2020
(Ashish D. Khakane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.

3. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2020
(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.

3. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 447 OF 2021
(Malile A. Gangadhar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri P.S. Gondhalekar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 510 OF 2021
(Rohidas A. Bhalsing Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Smt. Priya Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted as a last chance for filing rejoinder affidavit, if any.

3. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 574 OF 2021
(Latabai B. Savant Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 606 OF 2021
(Tambe S. Govind Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri U.D. Dalvi, learned Advocate holding for Shri Taher Ali Quadri, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 622 OF 2021
(Arjun R. Deshmukh (Gawali) Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Shri R.V. Gore, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 751 OF 2021
(Santosh N. Harne Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Smt. P.R Jamdhade, learned Advocate holding for Smt. Maya Jamdhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 23.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 795 OF 2021
(Keshav B. Shirole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 1 & 2.
3. S.O. to 02.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 43 OF 2022
(Bismillabee J. Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 47 OF 2022
(Sanjay V. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 22.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 325 OF 2022
(Pradeep P. Bahekar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 403 OF 2022
(Pandit S. Tiparse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Dhananjay Mane, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 867 OF 2022
(Shaikh Suraiyya Kamruddin Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri P.S. Gondhalekar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Advocate Shri V.S. Kadam, filed **VAKALATNAMA** on behalf of respondent Nos. 2 & 3. Same is taken on record. He seeks time for filing affidavit in reply on behalf of respondent Nos. 2 & 3.

3. Await service of notice upon the respondents.

4. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 890 OF 2022
(Ganesh G. Yerawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 200/2022 in O.A. St. No. 836/2022
(Kiran S. Giri Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Record shows that affidavit in reply is already filed on record on behalf of respondent Nos. 1,3 & 4.
3. S.O. to 22.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

**M.A. No. 431/2022 in O.A. St. No. 1463/2022
(Kana S. Pawara & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Yogesh Jadhav, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. This is an applications preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, 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. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

**M.A. No. 430/2022 in O.A. St. No. 1463/2022
(Kana S. Pawara & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Yogesh Jadhav, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants submits that during the course of the day service affidavit would be filed.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.

4. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

M.A. No. 442/2022 in O.A. St. No. 1705/2022
(Chimlya T. Bhil (Chaudhary) & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Yogesh Jadhav, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. This is an applications preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, 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. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

M.A. No. 443/2022 in O.A. St. No. 1705/2022
(Chimlya T. Bhil (Chaudhary) & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Yogesh Jadhav, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants submits that during the course of the day service affidavit would be filed.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.

4. S.O. to 22.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1027 OF 2022
(Dr. Sachin O. Khakare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present Original Application is filed seeking quashment of not eligible candidate list issued by the respondent No. 2 i.e. the MPSC for the post of Anesthetist in Specialist category vide proclamation dated 17.11.2022 (Annexure A-5) to the extent of the applicant and consequently seeking declaration that the applicant is eligible to the said post as the respondent No. 2 has already issued the list of eligible candidates, whose interviews are kept on 21st and 22nd, November, 2022.

3. The applicant completed MBBS in the year 2006 and he further completed Diploma in Anesthesia (DA) from the College of Physicians and Surgeons of Mumbai in April 2015. Copy of the Diploma

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O.A. No. 1027/2022

Certificate is at Annexure A-1 collectively. The applicant thereafter was selected for the post of Medical Officer (Anesthesiologist) vide order dated 14.09.2015 in the pay scale of Rs. 15600-39100 with Grade Pay of Rs. 5400/-. He was posted at Government Women's Hospital, Basmat, Dist. Hingoli, whereas he is working till date.

4. The respondent No. 2 i.e. MPSC issued the Advertisement No. 277/2021 dated 31.12.2021 for the post of Anesthetist in specialized category. The applicant having been fulfilled criteria applied for the said post. The respondent No. 2 i.e. MPSC published proclamation dated 15.11.2022 and thereby declared two lists, one of eligible candidates and another list of Not Eligible Candidates (Annexure A-5) for the said post. The applicant's name is shown at Sr. No. 10 in the Not Eligible Candidates list on the ground that the Diploma in Anesthesia (DA) granted by the College of Physicians and Surgeons of Mumbai (CPS) is not a recognized medical qualification in view of the Central Government Circular dated 22.01.2018 (Annexure A-7).

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O.A. No. 1027/2022

5. It is the contention of the applicant that he completed Diploma in Anesthesia (DA) from the College of Physicians and Surgeons of Mumbai in the year 2015 and the Notification is dated 22.01.2018. The said Notification is only prospectively effective from 22.01.2018 and not retrospectively. In view of the same, the applicant is seeking interim relief to appear for interview for the said post, which is scheduled on 21st and 22nd November, 2022.

6. Learned Advocate for the applicant advanced his arguments in consonance with the contentions raised in the O.A.

7. On the other hand, learned C.P.O. vehemently opposed for grant of interim relief contending that the applicant's Diploma in Anesthesia (DA) is derecognized by the Central Government Notification dated 22.01.2022, which can have retrospectively effect. Moreover, he submitted that at the time of filling up the form as per the advertisement for the post of Anesthetist in specialized category, the applicant was aware that his Diploma in Anesthesia (DA) from the College of Physicians and Surgeons of

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O.A. No. 1027/2022

Mumbai was not recognized and as such, he was not having requisite educational qualification.

8. We have carefully gone through the Central Government Notification dated 22.01.2018 derecognizing of the College of Physicians and Surgeons, Mumbai is specified as under :-

“ In the first schedule of the IMC Act, 1956, following entries appearing under the main heading ‘College of Physicians and Surgeons, Mumbai’, the heading ‘Recognized Medical Qualifications’, shall be deleted :”

In the following table, Sr. No. 3 deals with Diploma in Anesthesia (DA). Against that it is mentioned that ‘this shall be recognized medical qualification when granted by College of Physicians and Surgeons, Mumbai on or after December 2009’. This entry said to have been deleted. In view of that the issue is whether Diploma obtained during the period of 2009 till issuance of Notification can be said to have become invalid. Prima-facie it does not appear so.

9. In view of above, in our considered opinion, in the Original Application, debatable and viable points

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O.A. No. 1027/2022

of interpretation of Central Government Notification dated 22.01.2018 are being raised, which require consideration in final hearing of the present matter. Till then the interim relief as prayed for by the applicant is not granted, the very purpose of filing of the present O.A. is likely to be frustrated. In the circumstances, in our considered opinion, it would be just and proper to direct the respondent No. 2 i.e. MPSC to allow the applicant for the interview held for the post of Anesthetist on 21st and 22nd November, 2022 or any other subsequent date as deem fit by the respondent No. 2. Nothing in this order may be construed to restrict the respondents from providing level playing ground or other similar treatment to similarly situated candidates, who may not be before this Tribunal at this stage. Fate of the applicant would be subject to the outcome of the present Original Application. It is ordered accordingly.

10. Issue notices to the respondents, returnable on 09.12.2022.

11. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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O.A. No. 1027/2022

12. 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.

13. 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.

14. 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.

15. S.O. to 09.12.2022.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 475 OF 2018
(Shivkanya S. Bharti Vs. State of Maharashtra & Ors.)

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

DATE : 21.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to delete the prayer clause 9 (B), whereby the Clause No. 6 of the G.R. dated 21.09.2017 and para No. 7 of the G.R. dated 22.08.2005 are challenged.

3. I have no reason to refuse the permission. Hence, permission to delete the prayer Clause 9(B) is hereby granted. The applicant shall amend the O.A. forthwith and to serve the amended copy of the O.A. to the learned P.O.

4. The present matter to proceed with rest of the prayer clause 9(C) only.

5. The present matter is closed for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2020
(Devendra I. Sonar Vs. State of Maharashtra & Ors.)

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

DATE : 21.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer placed on record comparative chart of the post of Clerk / Typist on CRTE and RTE as against the chart produced by the applicant at page No. 62 of the paper book. This chart is taken on record and placed at page No. 109 of the paper book.
3. S.O. to 05.12.2022 for further hearing.

MEMBER (J)