

Date : 02.01.2024

ORIGINAL APPLICATION NO. 1101/2023

(Shri Balkrishna B. Kalkumbe V/s State of Maharashtra & Ors.)

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

1. Shri Swapnil Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **01.02.2024**. The case be listed for admission hearing on **01.02.2024**.
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.

I/C REGISTRAR

Date : 02.01.2024
ORIGINAL APPLICATION NO. 1116/2023
(Shri Yogesh N. Pawar V/s State of Maharashtra & Ors.)

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

1. Shri D.T. Devane, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **01.02.2024**. The case be listed for admission hearing on **01.02.2024**.
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.

I/C REGISTRAR

ORIGINAL APPLICATION NO. 575/2016
(Aniket Nagnath Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 2.1.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. None appears for respondent no. 4.

2. It is the grievance of the applicant that because of the mistake committed by the authorities of the Selection Board, the applicant has been adversely affected.

3. The applicant had applied for the post of Police Constable from the category of sportsman in response to the advertisement issued by respondent no. 03. Applicant scored 67 marks in the written test and total 147 marks including the physical test. The result and the marks scored by the candidates were declared on 10.6.2016. It is the grievance of the applicant that while assessing the answer sheets some mistakes occurred on part of the respondents.

It is contended that in fact the mistakes have occurred in providing the options to some of the questions. It is contended that the applicant raised the objections with the authorities, however, the grievance raised by him could not be redressed and, as such, the applicant is required to file the present Original Application.

4. Shri V.B. Wagh, learned counsel appearing for the applicant taking us through the question papers, as well as, the answer key submitted that to some of the questions the options as were provided were not accurate, as well as, in the answer key the answers provided to some of the questions were incorrect. It is the contention of the applicant that if the respondents have accepted the contentions raised by the applicant, he was likely to receive few more marks and in that event he could have secured more marks than the candidates recommended for their appointment. The learned counsel in the circumstances prayed for allowing the Original Application.

5. The contentions raised in the O.A. and the prayers made therein are resisted by the respondents. Respondent nos. 3 & 4 have filed the affidavit in replies. Both the respondents have denied the objections raised in the O.A. It is further contended that the respondent authorities while dealing with the objections raised by the applicant, as well as, some others tried to give utmost justice to them. Learned Presenting Officer submitted that the option provided for one question was misprinted in the question paper due to computer printing problem. In the circumstances, by correcting the mistake number of marks of the candidates were proportionately increased. The learned P.O. submitted that no prejudice has been caused to the applicant and therefore prayed for dismissal of the O.A.

6. We have considered the submissions made on behalf of the applicant, as well as, the learned P.O. We have also gone through the documents placed on record. Though it is true that to some of the questions, the answers provided in the answer key were not accurate, however, taking note of the said

mistake occurred, the respondents have taken all due steps and have accordingly increased or decreased the marks proportionately. However, in the revision so carried out of the marks scored by the candidates since the applicant did not achieve the cutoff number marks, he was not selected.

7. After having considered the facts and circumstances involved in the matter it does not appear to us that any case is made out by the applicant for grant of relief as has been prayed by him in the O.A. Hence, we pass the following order:-

ORDER

The Original Application stands dismissed, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 355/2016
(Shaikh Jamil Fakir Saheb Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 2.1.2024

ORAL ORDER :

Shri D.T. Devane, learned counsel holding for Shri V.D. Gunale, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. Shri N.S. Kadam, learned counsel for respondent nos. 3 & 4 (**absent**)..

2. Shri Devane, learned counsel submits that present matter has been entrusted to him by Shri V.D. Gunale, learned counsel who was previously appearing for the applicant. Learned Counsel Shri Devane submits that he will go through the papers and argue the matter positively and has, therefore, sought 02 weeks' time for arguing the matter. Time granted as prayed for.

3. S. O. to 16.1.2023. It is clarified that on the next date no adjournment will be granted.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 406/2016
(Vasanta B. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 2.1.2024

ORAL ORDER :

Shri Hemant Surve, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is of the year 2016. However, in in the interest of justice the matter stands adjourned to 11.1.2024. If the matter is not worked out on the next date, the same shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 2.1.2024

**ORIGINAL APPLICATION NO. 424 OF 2022
(Raosaheb K. Jare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. In continuation of the order dated 18.12.2023, learned P.O. has pointed out definition of cadre (संवर्ग) of Maharashtra Civil Services (General Conditions of Services) Rules, 1981 and further the definition of Cadre 'A, B, C, D' as mentioned in The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

3. Learned counsel for the applicant has elaborately replied to the said contention by placing his reliance on the G.R. and other documents annexed to the Original Application.

4. The matter is reserved for order.

MEMBER (J)

**M.A.NO. 71 OF 2018 IN O.A.ST.NO. 103 OF 2018
(Khanderao D. Musande Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Arjun R. Lukhe, learned counsel holding for Shri M.B. Kolpe, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.02.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**M.A.NO. 100 OF 2018 IN O.A.ST.NO. 398 OF 2018
(Vitahal D. Savalsure Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Arjun R. Lukhe, learned counsel holding for Shri M.B. Kolpe, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.02.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**M.A.NO. 176 OF 2020 IN O.A.ST.NO. 2388 OF 2019
(Ravindra R. Joshi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Sachin Joshi, learned counsel holding for Shri A.P. Yenegure, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 07.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**M.A.NO. 197 OF 2020 IN O.A.ST.NO. 537 OF 2020
(Ashok B. Johare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri A.M. Hajare, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.01.2024 as a last chance for hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**M.A.NO. 124 OF 2022 IN O.A.ST.NO. 260 OF 2022
(Dr. Radhakisan N. Pokharkar & Ors. Vs. State of
Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for the respondent Nos. 3 & 4, are present.

2. Learned counsel for respondent Nos. 3 & 4 submits the affidavit in reply on behalf of the said respondents. The same is taken on record and copy thereof is already given to other side.

3. S.O. to 02.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 1027 OF 2019
(Arjun D. Sonwane Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

Shri Ajay D. Pawar, learned counsel for respondent No.3, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 30.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 533 OF 2020
(Sadashiv D. Sakhare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Pravin B. Rakhunde, learned counsel for the applicant and Shri S.B. Patil, learned counsel for respondent Nos. 2, 4 & 6, are **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No.3, are present.

2. S.O. to 20.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 593 OF 2020
(Yuvraj R. Giri Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Umakant P. Giri, learned counsel for the applicant and Shri Y.P. Jadhav, learned counsel for respondent No.3, are **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant though on the last date the absence of applicant and his learned counsel was recorded. The matter is of the year 2020. It appears that the applicant is not interested in prosecuting the matter. Hence, the Original Application is dismissed in default.

MEMBER (J)

**ORIGINAL APPLICATION NO. 82 OF 2021
(Deepak S. Zinjurde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Smt. Amruta Paranjape - Menezes, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant though on the last date the absence of applicant and his learned counsel was recorded. The matter is of the year 2021. It appears that the applicant is not interested in prosecuting the matter. Hence, the Original Application is dismissed in default.

MEMBER (J)

**ORIGINAL APPLICATION NO. 560 OF 2021
(Motiram D. Dakhore Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that during pendency of this Original Application the respondent No.1 on 18.11.2021 has decided the departmental appeal filed by the applicant. The applicant has neither challenged the said order nor carried out amendment in this application.

3. Learned counsel for the applicant seeks time to take appropriate steps in the matter.

4. Needless to say that the applicant is permitted to file amendment application so also the application seeking condonation of delay, if so required.

5. S.O. to 09.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 219 OF 2022
(Datta G. Tarate Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri S.N. Lute, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. By order dated 06.12.2023 this Tribunal has permitted the applicant to carry out amendment in the Original Application. However, the office has raised the objection that in view of amended prayer clause C-1, the Original Application is barred by limitation.

3. Learned counsel for the applicant seeks time to file application seeking condonation of delay. Time granted.

4. S.O. to 29.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 471 OF 2022
(Jayant S. Bhamare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of all the respondents will be filed.

3. In view same, pleadings are completed. List the matter for admission hearing on 01.03.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 501 OF 2022
(Jayvant B. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Smt. Suchita Dhongde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

Shri Vilas Mande, learned counsel for respondent No.3, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 30.01.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 585 OF 2022
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Part Heard.

3. Learned counsel for the applicant has placed on record the documents received by the applicant under the provision of Right To Information Act, 2005. The same pertains to the appointment of the three members committee enquiring to and check accounts in connection with certain grants which is subject matter of this Original Application and also report submitted by said three members committee dated 16.07.2018. The same is taken on record and marked as document 'X' for the purpose of identification.

4. Learned P.O. is hereby directed to call the record pertaining to the report submitted by three members committee so also the record and proceedings in connection with the impugned order dated 28.09.2023.

5. S.O. to 17.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 596 OF 2022
(Kantabai B. Phad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Manoj U. Shelke, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

Shri M.A. Golegaonkar, learned counsel for respondent No.5, is **absent**.

2. Learned counsel for the applicant submits that today itself he has received the affidavit in reply filed on behalf of respondent Nos. 2 to 4.

3. Learned counsel for the applicant seeks time to go through the said reply and file rejoinder, if any. Time granted.

4. S.O. to 21.02.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 615 OF 2022
(Kiran A. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 970 OF 2022
(Raju P. Korde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri N.P. Bangar, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 to 6, are present.

2. S.O. to 15.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 973 OF 2022
(Abhijeet G. Kamble Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3.

2. It appears that entire group seeking substitution is kept for hearing on 15.01.2024. List the present matter on the same date. However, learned C.P.O. is hereby directed to take instructions as to the present status of Review Application.

3. S.O. to 15.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 698 OF 2017
(Jalamsing D. Valvi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri S.D. Dhongde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Shri K.B. Jadhav, learned counsel holding for Shri S.D. Dhongde submits that at present Shri S.D. Dhongde is hospitalized due to some illness and thus seeks adjournment.

3. In view of above, S.O. to 30.01.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 626 OF 2018
(Dilip S. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri Sanket N. Suryawanshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.02.2024 as a last chance for final hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 710 OF 2018
(Rajendra S. More Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri P.H. Patil, learned counsel holding for Shri P.B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Shri P.H. Patil, learned counsel holding for Shri P.B. Patil submits that Shri P.B. Patil learned counsel for the applicant is out of country and therefore, adjournment is sought.

3. This is old matter and last chance was given. However, considering that learned counsel for the applicant is out of country, time granted till 07.02.2024 with the hope that learned counsel for the applicant would work out the matter on the next date.

4. S.O. to 07.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 103 OF 2019
(Balkrishna R. Chhallare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri Sanket N. Suryawanshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 104 OF 2019
(Shaikh R. Shaifoddin Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri Sanket N. Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 388 OF 2021
(Navnath L. Dhande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the process of recovery has been stayed by an interim order passed by this Tribunal. However, at present it is learnt that the department has taken decision on this aspect finally.

3. Learned P.O. submits that in terms of the interim order passed by this Tribunal the recovery has been stayed. However, learned P.O. seeks time to take specific instructions in this regard. Time granted.

4. S.O. to 16.02.2024 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 411 OF 2021
(Bharat L. Bhillare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the process of recovery has been stayed by an interim order passed by this Tribunal. However, at present it is learnt that the department has taken decision on this aspect finally.

3. Learned P.O. submits that in terms of the interim order passed by this Tribunal the recovery has been stayed. However, learned P.O. seeks time to take specific instructions in this regard. Time granted.

4. S.O. to 16.02.2024 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 469 OF 2021
(Dhondiba M. Zade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the process of recovery has been stayed by an interim order passed by this Tribunal. However, at present it is learnt that the department has taken decision on this aspect finally.

3. Learned P.O. submits that in terms of the interim order passed by this Tribunal the recovery has been stayed. However, learned P.O. seeks time to take specific instructions in this regard. Time granted.

4. S.O. to 16.02.2024 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 512 OF 2021
(Usha A. Gaikwad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Part Heard.

3. Learned P.O. is directed to call the record the proceedings in connection with the application submitted by the applicant seeking compassionate appointment from the office of respondent Nos. 3 & 4 respectively and also provide the name and address of then respondent No.3.

4. S.O. to 17.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 677 OF 2021
(Bharatlal B. Navgire Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 30.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 1056 OF 2019
(Rajkumar D. Malshetwar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Amit A. Mukhedkar, learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 16.01.2024 for filing affidavit in reply.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 326 OF 2022
(Ulhas S. Pawar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent No.4 though the matter is posted today for filing affidavit in rejoinder. Learned counsel for the applicant has no objection for filing of reply. The same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned counsel for the applicants seeks time to file affidavit in rejoinder, if any. Time granted.

4. S.O. to 30.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 805 OF 2022
(Balu B. Chopde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri S.S. Tandale, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

3. In view of same, pleadings are completed. List the matter for admission hearing on 07.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1020 OF 2022
(Ramesh S. Surung Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri R.O. Awasarmol, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

Shri Sudhir K. Chavan, learned counsel for the respondent No.2, is **absent**.

2. At the request of learned P.O., S.O. to 23.01.2024 as a last chance for filing affidavit in reply.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1034 OF 2022
(Sukha L. Sathe Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Sanjay N. Pagare, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given, no affidavit in reply has been filed.

3. List the matter for admission hearing on 29.02.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 100 OF 2023
(Rajendra P. Sanap Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri V.S. Kadam, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that in the identical matter the Nagpur Bench of this Tribunal has allowed the Original Application and directed the respondents to reinstate the applicant within stipulated period.

3. Learned P.O. seeks time to go through the judgment passed by the Nagpur Bench and make appropriate submissions on the next date. Time granted.

4. S.O. to 09.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 290 OF 2023
(Popat L. Bale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Smt. Sunita Kulkarni, learned counsel holding for Shri K.M. Nagarkar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent No.2, are present.

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondent No.1 will be filed.

3. The respondent No.2 has already filed affidavit in reply.

4. In view of same, pleadings are completed. List the matter for admission hearing on 05.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 428 OF 2023
(Sanjiv P. Bodkhe Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Sanjiv P. Bodkhe, applicant in person, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for respondent Nos. 2 & 3 on instructions submits that affidavit in reply will be positively filed on behalf of said respondents on the next date.

3. S.O. to 23.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 636 OF 2023
(Sunanda R. Lokhande & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to learned counsel for the applicant. Learned P.O. submits that the respondent No.1 is adopting the affidavit in reply filed on behalf of respondent No.2.

3. In view of same, pleadings are completed. List the matter for admission hearing on 07.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 961 OF 2022
(Smt. Sunanda S. Harsulkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 05.02.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**M.A.NO. 41 OF 2023 IN O.A.ST.NO. 346 OF 2021
(Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 16.01.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**M.A.NO. 551 OF 2023 IN O.A.ST.NO. 2307 OF 2023
(Seema V. Chawriya Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri M.S. Chaudhari, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondents to M.A. Time granted.

3. S.O. to 06.02.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 125 OF 2023
(Milind D. Shah Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that the respondent Nos. 1 to 3 are adopting the affidavit in reply filed on behalf of respondent Nos. 4 to 6.

3. In view of same, pleadings are completed. List the matter for admission hearing on 29.02.2024.

MEMBER (J)

**M.A.NO. 122 OF 2023 IN O.A.ST.NO. 418 OF 2023
(Smt. Rukhmin S. Mendhake Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given to respondents to file affidavit in reply, no reply is filed.

3. In view of same, list the M.A. for hearing on 01.03.2024. However, the respondents are at liberty to file the affidavit in reply, if any on the next date of hearing.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 899 OF 2023
(Sachin R. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that the respondent Nos. 1 & 3 are adopting the affidavit in reply filed on behalf of respondent No. 2.

3. In view of same, pleadings are completed. List the matter for admission hearing on 05.02.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 824 OF 2023
(shaikh Ismail Shaikh Miya Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given, no affidavit in reply has been filed.

3. List the matter for admission hearing on 05.03.2024.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

**ORIGINAL APPLICATION NO. 873 OF 2023
(Sunil G. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned C.P.O., S.O. to 23.01.2024 as a last chance for filing affidavit in reply.

MEMBER (J)

ORAL ORDER 02.01.2024 sas

ORIGINAL APPLICATION NO. 322 OF 2022
(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 02.01.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Ghute, learned counsel for respondent No.3, is **absent**.

2. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

3. In view of same, pleadings are completed. List the matter for admission hearing on 06.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO.575/2014
(Deepak B. Patil Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri A.D.Gadekar, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Arguments are heard and concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 02.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.464/2023
(Muzaffer Mustafa Shah Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent nos.4 and 5. Learned Counsel for the applicant graciously consented for taking the reply on record. Hence, it is taken on record. Copy supplied to the other side.

3. S.O. tomorrow i.e. 03-01-2024 for further consideration.

MEMBER (A)
YUK ORAL ORDER 02.01.2024

VICE CHAIRMAN

M.A.NO.496/2023 IN O.A.NO.222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned P.O. has tendered the copy of the communication dated 01-01-2024 received to the office of CPO along with documents annexed thereto. Along with the said communication, the Government Circular dated 29-12-2023 is annexed. Along with the said circular consolidated provisional seniority list of the cadre of Tahsildar of the period 01-01-1997 to 31-12-2015 is appended. Said document is taken on record. Copy is given to the learned Counsel appearing for the applicant.

3. Learned Counsel for the applicant has tendered the additional affidavit on record along with certain documents. It is taken on record. Copy is supplied to the other side.

=2=

M.A.NO.496/2023 IN O.A.NO.222/2023

4. Today when the matter is heard for some time, it is noticed that explanation may be required from the officers concerned in the field. Learned CPO submits that he will ensure presence of some responsible officer not below the rank of Deputy Secretary, who is conversant with the matter on 08-01-2024.

5. Effect of the statement made by the learned CPO shall continue till next date.

6. S.O. to 08-01-2024.

MEMBER (A)

YUK ORAL ORDER 02.01.2024

VICE CHAIRMAN

M.A.NO.308/2023 IN O.A.NO.190/2022
(Anuradha D. Gunde & Ors. Through LRs Vs. State of
Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. The applicant who filed the present O.A. suffered death during the pendency of the O.A. Legal heirs of the deceased applicant have filed the present application for substituting their names so that they can prosecute the matter further. Wife and son of the deceased have filed the present M.A.

3. Learned P.O. has submitted for passing appropriate orders.

4. Pleadings in the O.A. reveal that the services of the deceased applicant were terminated on the ground of invalidation of his caste claim on the basis of which he had secured the appointment. The documents and pleadings further reveal that subsequently in the year 2019, the State

=2= M.A.NO.308/2023 IN O.A.NO.190/2022

Government vide G.R. dated 21-12-2019 took a decision on humanitarian ground to get absorbed to such candidates by giving them appointment by creating supernumerary posts. Since the name of the deceased applicant did not figure in the list, the applicant approached this Tribunal by filing the present O.A. During the pendency of the present O.A., applicant suffered death and now his legal heirs have filed the present M.A.

5. Having considered the pleadings in the O.A. and the prayers made therein it is evident that even after the death of the applicant cause of action survives. Present M.A., therefore, deserves to be allowed and is accordingly allowed. Present applicants be substituted in place of the deceased applicant and necessary amendment be carried out within a week. M.A. stands allowed and disposed of accordingly.

6. O.A. to come up on 08-01-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 297 OF 2013
(Prakash Bhagwanrao Joshi Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Arguments are heard.

3. Part heard. S.O. to 4.1.2024 for further consideration.

MEMBER (A)
ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 815 OF 2021
(Ganesh Madhav Marathe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri Jitendra V. Patil, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.1.2023.

MEMBER (A)
ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

**C.P.ST.NO. 1645/2023 IN O.A.NO. 335/2020
(Arjun Nivrutti Pache Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 02.01.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant has filed leave note. Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 23.1.2024.

MEMBER (A)

ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1103 OF 2023
(Dr. Pravin A. Bothe Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 1104 OF 2023
(Dr. Narayan R. Waybhase Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Heard Shri S.B. Bhosale, learned counsel for the applicants and S/Shri M.S. Mahajan & M.P. Gude, learned Chief Presenting Officer & learned Presenting Officer for the respective respondent authorities.

2. Issue notice to respondents in both these matters, returnable on 16.1.2024.

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 16.1.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 02.01.2024-HDD

C.P.ST.NO. 04/2023 IN O.A.NO. 670/2021
(Gokul Dattatraya Patil Vs. State of Maharashtra & Ors.)

C.P.ST.NO. 05/2023 IN O.A.NO. 671/2021
(Nitin Shivajirao Bedse Vs. State of Maharashtra & Ors.)

C.P.ST.NO. 06/2023 IN O.A.NO. 672/2021
(Sanjaykumar Mhasu Sonawane Vs. State of Maharashtra & Ors.)

C.P.ST.NO. 07/2023 IN O.A.NO. 673/2021
(Rekha Shyam Chavan (Lohar) Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 02.01.2024

COMMON ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and S/Shri M.S. Mahajan, M.P. Gude, V.R. Bhumkar & Smt. Deepali S. Deshpande, learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective petitions.

2. When the present petitions are taken up for consideration, learned counsel for the applicants seeks leave of this Tribunal to delete the name of respondent Nos. 1 & 2 in all these contempt petitions.

3. Leave granted as prayed for. The necessary amendment be carried out forthwith.

4. Since in all these petitions the common issues are raised and the order dated 22.3.2022 is subject matter

of all these petitions, we have heard all these petitions together.

5. In the present contempt petitions the petitioners are alleging the contempt of the common order passed by this Tribunal on 22.3.2022 in O.A. Nos. 670, 671, 672 & 673 all of 2021. The said common order reads as under:-

“Shri V.B. Wagh, learned Counsel for the applicants in all these matters and S/Shri V.R. Bhumkar, M.P. Gude, D.R. Patil & N.U. Yadav, learned Presenting Officers for the respondent in respective matters, are present.

2. Learned counsel for the applicants submits that salary has not been paid to the applicants. The learned P.Os. submit that Treasury has raised some objections to the salary bills of the applicants and after rectification of said objections, the salary will be paid to the applicants. They further submit that on the next date they will submit the compliance report.

3. S.O. to 31.3.2022 for reporting compliance by the learned P.Os. on the above line.”

On 31.3.2022 the following common order was passed :-

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

2. Today the compliance report was to be submitted in the present matters whether salary has been released

:: - 3 - :: C.P.ST. 04/23 IN O.A. 670/21 & Gr.

or not. No such report has been submitted. Learned C.P.O. undertakes to submit the same on the next date.

3. *S.O. to 07.04.2022.”*

On 07.04.2022 the following common order was passed : -

“Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer, Shri V.R. Bhumkar, Shri S.K. Shirse and Smt. Deepali Deshpande, learned Presenting Officers for the respondents.

2. *Learned CPO has tendered affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record. Copy thereof has been served on the other side. Compliance report has also been submitted.*

3. *Learned Counsel for the applicants has some grievance about the compliance of the order passed by this Tribunal. It would be open for the applicants to bring the same to the notice of the Tribunal during the course of hearing of the O.As.*

4. *S.O. to 07.06.2022.”*

6. After having considered the common orders passed by this Tribunal as aforesaid it does not appear to us that there was any executable order passed by this Tribunal of which contempt can be alleged. In the circumstances, we have no doubt in our mind that contempt petitions would not lie against the said orders. We need not to state that the petitioners are not remediless and can agitate the grievance, if any about

:: - 4 - :: C.P.ST. 04/23 IN O.A. 670/21 & Gr.

the said compliance according to the relevant legal provisions at the appropriate forum. However, the contempt petitions cannot be entertained in the present circumstances and, therefore, the same stand summarily rejected. No order as to costs.

MEMBER (A)

ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1023 OF 2023
(Vinayak Uttamrao Banchod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.1.2024.

MEMBER (A)
ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1129 OF 2022
(Madhukar Lobha Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Shri Y.R. Barhate, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.1.2024.

MEMBER (A)
ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 945 OF 2023
(Sumit M. Lande & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 960 OF 2023
(Mahadu Ramnath Munmane Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Shri P.G. Tambade, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicants and S/Shri M.S. Mahajan and N.U. Yadav, learned Chief Presenting Officer and learned Presenting Officer for the respective respondents in respective matters, are present.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 in both these matters and same are taken on record and copies thereof have been served on the learned counsel for the applicants. Learned C.P.O. submits that no separate affidavit in reply on behalf of other respondents may be required and they are adopting reply filed on behalf of respondent No. 2.

3. Learned counsel for the applicants submits that the applicants are not intending to file any rejoinder affidavit and insisted for taking the matter for early hearing.

:: - 2 - :: O.A. NOs. 945 & 960 Both OF 2023

4. Since pleadings are complete, list both the matters for hearing on 9.1.2024.

MEMBER (A)
ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

M.A.NO. 453/2023 WITH O.A.NO. 312/2019
(Dr. Ashok Panditrao Misal Vs. State of Maharashtra & Ors.)
(Speaking to minutes)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

This is motion for speaking to minutes. In the order passed by this Tribunal on 02.11.2023 in M.A. No. 453/2023 With O.A. No. 312/2019, learned counsel pointed out that typographical error has occurred in order clause (ii). In the said clause 'respondent No. 1' has been incorrectly typed and it should be 'respondent No. 2'. In the circumstances, request has been made for correcting the error as occurred in order clause (ii).

2. In view of the aforesaid submission, the following order is passed: -

ORDER

(i) The correction in order clause (ii) be made by mentioning 'respondent No. 2' in place of 'respondent No.1' and corrected order be issued to all concerned.

(ii) Motion for speaking to minutes stands disposed of.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 277 OF 2021
(Shivaji Nivruti Wagh Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 02.01.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 208 OF 2023
(Suryabhan Eknath Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.01.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 02.01.2024-HDD

VICE CHAIRMAN

M.A. NO. 584/2023 IN O.A. NO. 1042/2023

(Yogesh S. Dawle Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 2.1.2024

ORAL ORDER :

Heard Shri R.J. Nirmal, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The learned counsel for the applicant has insisted for grant of interim relief in favour of the applicant, thereby directing the M.P.S.C. not to declare the list of finally selected candidates till the decision of the present application or till the M.P.S.C. files its affidavit in reply to the Original Application.

3. The applicant had applied for the post of Stamps Inspector (Class-II) in pursuance of the advertisement no. 33/2023. It is the grievance of the applicant that in the answer key prepared by the M.P.S.C. for the question paper set (C) to the question no. 40 therein palpably wrong answer has been provided. It is the contention of the

::-2-::

M.A. NO. 584/2023 IN
O.A. NO. 1042/2023

applicant that in the said question paper for said set (C) the answer at sr. no. 01 was correct answer to the said question, which has been recorded by the applicant. Learned counsel submitted that the fundamental duties are incorporated in Part IV-A of the Constitution and not in Part IV of the Constitution.

4. In the circumstances, according to the learned counsel, answer, which has been given by the applicant, is most correct answer. However, since in the answer key the correct answer is stated to be (C), the applicant will not only lose one mark but would get 02 negative marks. Learned counsel further submitted that, however, ultimately if the mistake so occurred is corrected by the M.P.S.C., the number of marks will be increased by 2.5 marks and as such the applicant will be in the race for selection so far as E.W.S. candidates are concerned. It is pointed out that the last candidate to be selected from the E.W.S. category has received 279.50 marks and the applicant has received 277 marks. Learned counsel submitted that if answer is

::-3-::

M.A. NO. 584/2023 IN
O.A. NO. 1042/2023

corrected, total marks of the applicant would be 279.50 marks and since the applicant is elder in age to the candidate at sr. no. 37 in the provisional select list, the applicant would be eligible to be selected from the E.W.S. category. In the circumstances, prayer has been made for directing the M.P.S.C. not to declare the list of selected candidates till the decision of the Original Application or at least till the M.P.S.C. files affidavit in reply to the Misc. Application, as well as, Original Application.

5. Request so made on behalf of the applicant is opposed by the learned Chief Presenting Officer. Learned C.P.O. invited our attention to the fact that all the objections are considered by the Expert Committee and final answer key is published by the M.P.S.C. Even in the final answer key the M.P.S.C. confirmed the answer to the question no. 40 in question paper set (C). Learned C.P.O. submitted that the issue raised in the present matter falls within the province of experts and in the circumstances unless all facts come on record it will be unjust and improper to reach to any conclusion

::-4-::

M.A. NO. 584/2023 IN
O.A. NO. 1042/2023

even prima-facie. He has, therefore, prayed for rejecting the request of the applicant for grant of interim relief.

6. After having considered the submissions made by the learned counsel appearing for the applicant and the learned C.P.O., it appears to us that from the facts, which have stated by the applicant and which are revealing from the documents placed on record the Tribunal may not even *prima facie* record any opinion about the correctness of the answer given in the answer key. Ordinarily, it is the province of the experts. In the circumstances, we are not inclined to pass any order at this stage as prayed for by the applicant. The M.P.S.C. to file the affidavit in reply within 10 days.

7. S.O. to 12.1.2024.

MEMBER (A)

VICE CHAIRMAN