

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><b><u>22.05.2024</u></b></p> <p style="text-align: center;"><b><u>M.A St No.1258/2024 in O.A 419/2024</u></b> <b><u>(Aurangabad)</u></b> <b><u>Through Video Conference</u></b></p> <p>Varsha B. Masal &amp; Ors ... Applicants Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Ms Amita Chate, learned advocate for the applicants and Shri M.B Bharaswadkar, learned C.P.O for the Respondents.</p> <p>2. The present Misc Application is filed to stay the schedule of the physical test of candidates for the post of P.S.I, which is scheduled between 24<sup>th</sup> May to 6<sup>th</sup> June, 2024.</p> <p>3. Learned counsel submits that the physical test is challenged on two grounds, first on the ground of weather as it is very hot in Mumbai and second ground is that MPSC has changed the criteria of physical test in the year 2021. Learned counsel submitted that result of the Main Examination was declared on 13.3.2024 and the Physical Test was scheduled from 15.4.2024 to 2.5.2024.</p> <p>4. Learned C.P.O pointed out that the order passed by the Division Bench of the M.A.T, Aurangabad bench on 4.4.2024, thereby not granting interim relief in this matter.</p> <p>5. Perused the order dated 4.4.2024, passed by the Aurangabad Bench of this Tribunal, which is a detailed order. Submissions of the learned counsel that she has approached the Vacation Bench because of the schedule of the physical test is declared on 9.5.2024 and it is fixed from 24.5.2024 to 2.6.2024 is not acceptable, in respect of the objection of weather. If the schedule of the physical test would not have been postponed from 15.4.2024 to 2.5.2024, the applicants would have participated in the physical test and at that time the weather was also more or less same in Mumbai. The challenge is given to the criteria of 2021 issued by MPSC and thus no case is made out to entertain the present Misc Application on the ground of urgency.</p> <p>6. Misc Application is rejected.</p> <p>7. Original Application is already fixed on Board on 25.6.2024.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson [P.T.O.]</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.656 OF 2024**

Ravindra L. Gaikwad & 4 Ors. ..Applicants

Versus

The State of Maharashtra & Ors. ..Respondents

Shri A.S. Gaikwad with Shri Anirudh Rote – Advocate for the Applicants  
Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson

DATE : 22<sup>nd</sup> May, 2024

**ORDER**

1. Ld. Advocate for the applicants submits that the MPSC-Respondent No.3 issued the following advertisements:

- a) Dated 29.12.2023 modified on 8.5.2024 for Maharashtra Gazetted Civil Services Combined Preliminary Examination, 2024
- b) No.48/2023 dated 1.9.2023
- c) No.114/2023 dated 18.10.2023
- d) No.115/2023 dated 18.10.2023


2. Ld. Advocate for the applicants submits that all the 5 applicants have applied for different posts pursuant to above advertisements; however, the issue is one and the same. The applicants pray for directions to respondent no.3 to allow the applicants to make necessary changes in their form as Institutional Orphan as per GR dated 6.4.2023 and permit them to appear in the examination. They also pray for

directions to respondents no.4 & 5 to issue certificate of Institutional Orphan to the applicants as per GR dated 6.4.2023.

3. Ld. Advocate for the applicants submits that the respondent no.1 has issued certificate to the applicants of Type-C Orphan pursuant to GR dated 23.8.2021 and instead the applicants claim that they should have been issued certificate of Institutional Orphan pursuant to GR dated 6.4.2023. GR dated 23.8.2021 is about the policy for Orphan. By GR dated 6.4.2023 the policy was modified about the Orphan reservation. Ld. Advocate submits that GR dated 6.4.2023 is to be made applicable to the applicants.

4. All the above mentioned advertisements are issued after the GR dated 6.4.2023. As per clause 1 of GR dated 23.8.2021 Orphans were categorized in A, B & C Type depending on where and by whom they were brought up other than their parents. By GR dated 6.4.2023 the Orphans are categorized in 2 groups i.e. Institutional Orphans and Non-Institutional Orphans and all the applicants hold Orphan Certificate as Type-C category as per GR dated 23.8.2021. Type-C certificate is issued to Orphans who have lost their parents and the said child is looked after by the relatives at their respective home and the information about the caste of the said child is available.

5. In order to consider a person in the category of Institutional Orphan he has to fulfill the criteria i.e. his parents should be no more before he attained the age of 18 years and he should be brought up in the Government approved institution and in order to get the benefit of Non-Institutional Orphan he has to fulfill both the criteria. He should have lost his parents before he attained the age of 18 years and secondly he should be brought up outside the Government approved institution or by other relatives. All the applicants have received the certificate of Non-



Institutional Orphan. They pray that they are entitled to get the certificate of Institutional Orphan as all of them have lost their parents before they attained the age of 18 years. This fact is not challenged by the Government and the second criteria that they were brought up in the Government approved institution, this fact is required to be proved, which is disputed by the Government.

6. The factual matrix of the case is as under:

(a) The applicant no.1 R.L. Gaikwad was born on 20.5.1995 and certificate dated 22.10.2021 issued to him.

(b) Applicant no.2 P.J. Wackchoure was born on 12.12.1990 and certificate dated 18.4.2024 was issued to him.

(c) Applicant No.3 R.S. Patil was born on 2.1.2005 and certificate dated 11.1.2024 was issued to him.

(d) Applicant No.4 A.A. Nalawade was born on 11.3.1993 and certificate dated 18.10.2021 was issued to him.

(e) Applicant No.5 R.P. Vidyadhar was born on 3.9.1996 and certificate dated 15.5.2024 was issued to her.

7. Smt. Khadija Naikwade, Section Officer, Women & Child Development Department, Smt. Savita Thosar, Legal Advisor, Legal Cell, W&CD, Mantralaya and Smt. Nalini S. Bambale, ASO, MPSC are present in the Court.

8. The respondents are directed to verify all the certificates whether all these institutions where the applicants were admitted are recognized by the Government.

9. Ld. PO seeks longer time however the matter is adjourned to 24.5.2024 to get the information.

10. S.O. to 24.5.2024.

Sd/-

(Mridula Bhatkar, J.)  
Chairperson  
22.5.2024

Dictation taken by: S.G. Jawalkar.

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	<p align="center"><u>O.A. No.658 of 2024</u></p> <p>Vaishali R. Chavan ..Applicant Vs. The State of Maharashtra &amp; Ors. ..Respondents</p> <p>Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. The applicant in this OA is challenging order dated 7.5.2024 passed by respondent no.1 thereby relieving applicant from the post of Deputy Secretary, Maharashtra State Right to Public Services Commission, Mumbai.</p> <p>3. Ld. Advocate for the applicant states that the applicant who is in the cadre of Additional Collector was sent on deputation on 2.11.2022 by respondent no.2 to the office of respondent no.3 on the post of Dy. Secretary. She is sought to be relieved by order dated 7.5.2024. Ld. Advocate submits that applicant daily attends the office of respondent no.3 however no work is given to her. He states that the applicant is relieved unilaterally and no posting is given by her parent department. Ld. Advocate for the applicant submits that applicant has not completed 3 years on this post and therefore prays for staying the impugned order.</p> <p>4. Ld. PO seeks time to take instructions as the OA is filed today. Concerned officers of both the departments are directed to remain present on the next date.</p> <p>5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>6. Issue notice before admission returnable on 24.5.2024. The respondents are directed to file reply.</p> <p>7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book</p>

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	<p>of O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>8. 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.</p> <p>9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>10. In case notice is not collected within <b>seven days</b> or service report on affidavit is not filed <b>three days</b> before returnable date, the OA shall be placed on board before the concerned Bench under the caption "<b>For Dismissal</b>" and thereafter on the subsequent date the OA shall stand dismissed.</p> <p>11. S.O. to 24.5.2024.</p> <p style="text-align: right;">Sd/- (Mridula Bhatkar, J.) Chairperson 22.5.2024</p> <p>(sgj)</p>

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	<p><b>22.05.2024</b></p> <p align="center"><b><u>O.A 653/2024</u></b></p> <p>G.S Wade ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri G.B Solanke, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. This matter was listed before the Vacation bench on 13.5.2024 and notice was issued.</p> <p>3. Learned counsel for the applicant submits that the Sports Certificate of the applicant who has played in Sepak Takaraw is invalidated by order dated 1.3.2024 and by order dated 19.4.2024 the candidature of the applicant was rejected for appointment to the post of Armed Police Constable in the Sports Category under OBC category.</p> <p>4. Learned counsel submits that the issue of validity of the Sports Certificate in the game of Sepak Takaraw is challenged in many Original Applications and the group of the said Original Application is fixed for hearing on 14.6.2024. Learned counsel further relies on the interim order dated 9.5.2024 passed by this Tribunal in O.A 634/2024, V.R Nagargoje &amp; Ors Vs. The State of Maharashtra &amp; Ors and same relief be granted to the applicant as he belongs to OBC category.</p> <p>5. Learned P.O submits that she wants to file short affidavit.</p> <p>6. Considered the submissions of the learned counsel for the applicant and the interim order dated 9.5.2024 passed by this Tribunal in O.A 634/2024.</p> <p>7. The same interim relief dated 9.5.2024 passed in O.A 634/2024 as mentioned in para 10 is granted to the applicant.</p> <p>8. It is made clear that if any appointments are made it will be subject to the outcome of this Original Application qua "Sports Quota" in OBC category.</p> <p>9. S.O to 14.6.2024.</p> <p align="right">Sd/- (Mridula Bhatkar, J.) Chairperson [P.T.O.]</p> <p>Akn</p>

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	<p align="center"><b><u>22.05.2024</u></b></p> <p align="center"><b><u>M.A 312/2024 in O.A 1551/2023</u></b></p> <p>A.S Sadaphule ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Shri V.P Potbhare, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. The present Misc Application is filed by the applicant seeking to the amend the Original Application on account of the subsequent developments pending Original Application.</p> <p>3. Learned counsel submits that the Original Application was filed on 12.12.2023. However, thereafter order dated 12.4.2024 is passed by the Respondents by which the applicant is aggrieved and hence the said order is required to be added in the prayer clause and also the necessary grounds are also to be added.</p> <p>4. Learned P.O submits to the orders of the Court.</p> <p>5. Misc Application seeking to amend the Original Application is allowed. Amendment to be carried out as per Schedule of Amendment and copy to be served on the Respondents.</p> <p>6. O.A No. 1551/2023 to be placed for hearing on 10.7.2024.</p> <p align="right">Sd/- <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>

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	<p><b><u>22.05.2024</u></b></p> <p align="center"><b><u>O.A 634/2024</u></b> <b><u>(Through Video Conference)</u></b></p> <p>Smt Maya S. Nagarkar ... Applicant Vs. The State of Maharashtra &amp; Ors ... Respondents</p> <p>1. Heard Smt Punam Mahajan, learned advocate for the applicant and Smt K.S Gaikwad, learned P.O for the Respondents.</p> <p>2. Learned counsel further submits that the applicant is out of Pune since last 6 years. However, she is posted in Mumbai on promotion as Assistant Commissioner, G.S.T, Class-I on 9.3.2022 and hence she has completed only two years and she has to complete the tenure of 3 years. Therefore, her request for transfer is to be considered as mid-term.</p> <p>3. Learned P.O submits that the representations made by the applicant will be considered as per the criteria laid down, G.Rs and also the policy of the Government, during the general transfers after the Code of Conduct is over on 4.6.2024.</p> <p>4. Considered the submissions. It appears that the Department, Respondent-State to look into the matter and consider the representations made by the applicant for her transfer in the general transfers.</p> <p>5. S.O to 10.6.2024. . . . . /</p> <p align="right">Sd/- / v <b>(Mridula Bhatkar, J.)</b> <b>Chairperson</b></p> <p>Akn</p>