

C.P.NO.40/2019 IN O.A.NO.798/2018
(Rajendrakumar Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 23.03.2022

ORAL ORDER :

Shri Sachin S. Deshmukh, learned Advocate for the applicant is **absent**. Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents is present.

2. In the present petition on the previous date i.e. on 09-03-2022 following order was passed:

“2. On 5.1.2022 the learned Chief Presenting Officer has brought to our notice that the applicant has expired and his death certificate also has been filed on record. The applicant has expired on 30.4.2020. On 5.1.2022 Shri Sachin Deshmukh, learned Counsel appearing for the applicant was absent. In the interest of justice the matter was adjourned to 28.1.2022. On 28.1.2022 Ms. Megha Mali, learned Counsel appeared for Shri Sachin Deshmukh, learned Counsel for the applicant and sought time and therefore the matter was adjourned to today i.e. 9.3.2022.

3. Today also Shri Sachin Deshmukh, learned Counsel is absent. However, Shri S.K. Mathpati, learned Counsel submits that he has instructions to appear in the present matter and he sought some time to make Submissions whether the

=2=

C.P.NO.40/2019 IN O.A.NO.798/2018

L.Rs. of deceased applicant intend to prosecute the matter further. Two weeks time is granted as a last chance.”

3. The record shows that on 31-08-2021, death certificate of Contempt Petitioner was placed on record. It was also informed by the learned P.O. that the legal representatives of the deceased petitioner have been paid pensionary benefits and the related documents have also been placed on record. On the subsequent date, the Counsel for the applicant was called upon to submit whether the legal heirs of the deceased petitioner are interested in prosecuting the present Contempt Petition ? However, till date no information is provided in this regard. Today also none is present for the contempt petitioner.

4. Having regard to the facts as aforesaid, the following order is passed.

ORDER

The Contempt Petition stands abated.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NOS.716/2018, 634/2018,
635/2018 & 636/2018
(Atul Shirke & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. The applicants in all these O.As. are seeking the declaration to the effect that they are entitled to be appointed directly to Group-C or Group-D vacant posts as per the Government Circular dated 04-03-1991.

3. Shri Joshi, learned Counsel appearing for the applicants in all these matters brought to our notice some of the orders passed which are placed on record by the applicants at Exhibit-F Colly. The learned Counsel has also invited our attention to the information provided by the public Information Officer of Assistant Commissioner,

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O.A.NO.716/2018, 634/2018, 635/2018 & 636/2018

Fisheries, Mumbai informing therein that the nominees of Freedom Fighters can be directly recruited/appointed on the Group-C and Group-D posts by virtue of the Government Circular dated 04-03-1991.

4. The affidavits in reply filed by the respondents do not clarify whether the Circular dated 04-03-1991 is still holding field. Though the other Circulars are brought to our notice by the learned P.O. submitting that consolidated instructions are already issued by the State in that regard nothing specific has been mentioned as about the Circular dated 04-03-1991. In the said consolidated instructions there is no reference of the Government Circular dated 04-03-1991. We may further note that in the judgment delivered by this Tribunal, the direct appointments of the nominees of the Freedom Fighters are held in violation of the provision under Article 16(1) of the Constitution of India.

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O.A.NO.716/2018, 634/2018, 635/2018 & 636/2018

5. In the aforesaid circumstances, we direct the respondent no.1 to file affidavit clarifying the stand of the Government in regard to the Circular dated 04-03-1991. We may further wish to refer to Clause-4 in the Government Circular dated 25-10-2005 which reads thus:

“4- ilarhdze

Lkekftd vkj{k.k rlsp fo'ks”k vkj{k.kkO;frfjDr brj
dkgh izoxkZauk (?kVdkauk) ‘kklu lsosr
izrfuf/kRo ns.;klkBh tIs Lokr+™; ISfudkaps
ukefunsZ’khr O;Drh] laidkyhu deZpkjh] 1981 ps
tux.kuk deZpkjh] 1999 ps tux.kuk deZpkjh vkf.k
va’kdkyhu inoh/kkjD csjkstxkj ;kaP;kdjhrk
lsokHkjrhe;/s ilarhdze n’kZfoys vkgsr-
;klanHkkZr ‘kklu fu.kZ;] lkekU; iz’kklu foHkkx]
dz-,bZ,e-1092@3655@iz-dz-90@92@16v]
fnukad 31 es 1993 vkf.k ivad 1097@1793@iz-
dz-@98@96v] fnukad 19 ekpZ 1998 (lgi= 15 o
16) fopkjr ?;kos ”

6. We call upon the General Administration Department, State of Maharashtra (GAD) to clarify the preferences so provided in context with the provision under

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O.A.NO.716/2018, 634/2018, 635/2018 & 636/2018

Article 16(1) of the Constitution of India. Such an affidavit shall be filed within 2 weeks.

7. Steno copy may be provided to the learned P.O. on his request.

8. S.O. to 12-04-2022.

MEMBER (A)

MEMBER (J)

C.P.NO.48/2019 IN O.A.NO.933/2018
(Gajanan M. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 23.03.2022

ORAL ORDER :

Shri L.S.Shaikh, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned Presenting Officer, S.O. to 28-03-2022, as a last chance.

MEMBER (A)

MEMBER (J)

**C.P.NO.28/2020 IN O.A.NO.113/2012
(Bhagwat Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri K.G.Salunke, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 28-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.1387/2000
(Prayagbai Ghule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri A.D.Sugdare, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned P.O., S.O. to 28-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.13/2019
(Tufansing Shele Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Saket Joshi learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 12-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.686/2019
(Brijlal Bibe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 01-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.103/2020
(Vishwanath Nampalle Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri P.B.Rakhunde, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Counsel for the applicant has tendered across the bar communication dated 27-01-2022. Learned Counsel submits that since the enquiry against the applicant has been dropped by the authorities, nothing remains to be considered in the present O.A. He has, therefore, sought leave to withdraw the present O.A.

3. In view of the submission made on behalf of the applicant, following order is passed:

ORDER

O.A. stands disposed of since withdrawn without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.287/2020
(Shahu Jaswantsingh Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri M.K.Bhosale, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned P.O., S.O. to 26-04-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Samir S. Kurundkar learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 02-05-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.122/2021
(Mohan Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri M.K.Bhosale, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 28-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.185/2021
(Subhash Khote Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

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

2. S.O. to 29-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.758/2021 & 769/2021
(Suhas Pathak & Ar. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Rahul Awsarmal, learned Advocate for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.2 and 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 28-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.759/2021
(Ashwini Wavhal & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri A.V.Thombre, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request and consent of both the sides, S.O. to 26-04-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.25/2021 WITH M.A.NO.206/2020 IN
O.A.NO.1100/2019
(Yogesh Shinde & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)
DATE : 23.03.2022
ORAL ORDER :**

Shri G.K.Kshirsagar, learned Advocate for the applicant in M.A.No.25/2021, Shri A.S.Deshmukh, learned Advocate for the applicant in M.A.No.206/2020, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri Sachin Randive for respondent nos.18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 & 40, 42 in M.A.No.206/2020, Shri G.K.Kshirsagar, learned Advocate for respondent nos.85 to 101 in M.A.No.206/220, and Shri S.D.Joshi learned Advocate for respondent nos.102 to 105 in M.A.No.296/2020, are present.

Shri S.S.Tope, learned Advocate for respondent no.12 & 1 in M.A.No.206/2020 and Shri Amol P. Ghule Patil learned Advocate for respondent nos.81 to 84 in M.A.No.206/2020, are **absent**.

2. S.O. to 29-04-2022.

MEMBER (A)
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MEMBER (J)

**ORIGINAL APPLICATION NO.300/2015
(Santosh P. Namdas Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Saket Joshi learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 22-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.39/2018
(Ravi Wankhade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Sandesh R. Patil, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 25-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.76/2018
(Purushottam Andhale & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Saket Joshi learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

Shri L.M.Kulkarni learned Advocate for respondent nos.3 to 6 and Shri S.R.Shirsat learned Advocate for respondent nos.7 to 9, are **absent**.

2. S.O. to 25-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.476/2018
(Aasha Khairnar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Sandesh R. Patil, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 26-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.517/2018 & 47/2019
(Pooja Pansare & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Sandeep Munde, learned Advocate for the applicants, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.S.Deshmukh learned Advocate for respondent nos.4 to 7 in O.A.No.517/2018, are present.

Shri S.C.Arora learned Advocate for respondent no.4 in O.A.No.47/2019 is **absent**.

2. S.O. to 27-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.260/2019
(Mukund Jagtap Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri C.V.Dharurkar, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 27-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.316/2019
(Shamlal Bhagure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri M.K.Bhosale, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 24-03-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri D.R.Irale Patil, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 24-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 554/2019
(Ashok V. Gade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri S.B. Pawar, learned Counsel for the applicant, 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. IInd set of O.A. is not filed by the learned Counsel for the applicant. It be filed by the next date.

3. The learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

4. S.O. to 28.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 615/2019
(Shafi Kassimsab Shaikh Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Abhijit P. Avhad, learned Counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. The learned C.P.O. has sought time for filing affidavit in reply of Res. nos. 1 and 3 to 5. Time granted.

3. S.O. to 29.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 09/2020
(Dr. Anita R. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 29.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 213/2020
(Apurva S. Narale Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 2.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 467/2020
(Krishna T. Wagh & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 565/2020
(Jahangir Fakir Shaikh & Ors. Vs. State of Maharashtra
& Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned Counsel for the applicants (**leave note**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. The learned P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 578/2020
(Sachin S. Lokare Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Shri R.N. Kuthekar, learned Counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Await service of notice upon the respondents.
3. S.O. to 4.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 156/2021
(Jayshree A. Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 168/2021
(Prakash R. Kirti Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned C.P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 367/2021
(Ganpat M. Khokale Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Shri C.V. Dharurkar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 22.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 415/2021
(Vivekanand V. Auti & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri S.S. Dambe, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned C.P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 5.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 435/2021
(Santosh N. Thakur Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Shri Deepak D. Choudhari, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply. Time granted.

3. S.O. to 5.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 476/2021
(Machindra K. Bhalerao Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri Mohit R. Deshmukh, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time for filing affidavit in reply of res. nos. 1 to 3. Time granted.

3. S.O. to 5.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 623/2021
(Mehboobali Yawarali Khan Pathan Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned Counsel for the applicant (**leave note**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 5.5.2022 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 644/2021
(Dilip B. Wani Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Smt. Suichita A. Dhongde, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 6.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 30/2022
(Mahesh S. Vaidya Vs. State of Maharashtra & Ors.)**

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

DATE : 23.03.2022

ORAL ORDER :

Shri S.B. Choudhari, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has filed affidavit in reply of Res. no. 2. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 6.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 32/2022
(Yogesh U. Aher Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri P.P. Dhawalkar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. submits that during the course of the day he will file affidavit in reply of respondent nos. 1 to 3. It be taken on record and copy thereof be supplied to other side.

3. S.O. to 5.5.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 165/2022
(Bhaskar N. Patil & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.03.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has filed affidavit in reply of res. no. 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 6.5.2022.

MEMBER (A)

MEMBER (J)

M.A. 122/2022 IN T.A. 1/2022
(Manisha E. Kadu Vs. State of Maharashtra & Ors.)
WITH
M.A. 123/2022 IN T.A. 2/2022
(Arvind A. Borude & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.03.2022

ORAL ORDER :

Shri A.V. Thombre, learned Counsel holding for Shri S.S. Thombre, learned Counsel for the applicants in both the matters and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both the matters, are present.

2. Learned counsel for the applicants is required to get information brochure and any other relevant documents, which contain the detailed process prescribed (including documents required to be submitted) by the Private Nursing Institute for submission of applications by candidates aspiring for admission in [M.Sc.](#) (Nursing) courses and the scrutiny criterion adopted and procedure followed by the institutes for selecting the candidates for admission to [M.Sc.](#) Nursing courses. The documents so called for may help in understanding rationale behind the Private Nursing Institutes accepting applications from

::-2-:: **M.A. 122/2022 IN T.A. 1/2022 & Anr.**

candidates who submit their applications without No Objection Certificates (NOC) from sponsoring authorities but may require the same at the time of taking admission. The present procedure adopted by the private nursing institute in the instant matter appears to potentially precipitate administrative challenges for public authorities managing public health services and also multiply litigations.

3. The learned counsel for the applicant is also required to substantiate his claim that the ratio decidendi in the judgment delivered by Hon'ble High Court of Judicature at Bombay in the WP (C) No. 10629 of 2012 is applicable in the present matter as the Public Authorities do not appear to challenge eligibility criterion for admission to M. Sc. (Nursing) courses as prescribed by Indian Nursing Council, but, are only attempting to manage effective strength of nursing staff available for duty on health service centers where common people, most of whom can not afford services from private sector hospitals and health care outlets, come and the public authorities are also attempting to manage their affairs within limits of available budgetary provisions.

::-3-:: M.A. 122/2022 IN T.A. 1/2022 & Anr.

4. The learned P.O. assured the Tribunal to get the details of the posts for which P.G. Nursing is minimum qualification for getting promotion or appointment by nomination as per the revised recruitment Rules 2021 and accordingly he may provide the number of PG nursing qualified staff required to be available in the concerned feeder cadre during prescribed planning period in this regard. He has sought one day's time to get above information and also the plan for meeting shortfall in availability in qualified staff in feeder cadres as discussed. This information may lead us to draw inference about rationality of introducing criterion of five years' service. The learned P.O. has also assured to place on record sufficient data to show the factual position in respect of compliance of the norms of sponsoring candidates to the extent of 3% of staff strength available on establishment of sponsoring authorities concerned.

5. S.O. to 24.3.2022 at 10.30 a.m.

MEMBER (A)

DATE : 23.03.2022

ORIGINAL APPLICATION NO. 277 OF 2022

(Akhtar Baig Baba Baig Vs. The State of Maharashtra & Ors.)

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

1. Shri Azizoddin R. Syed, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 19.04.2022. The case be listed for admission hearing on **19.04.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

**ORIGINAL APPLICATION NO. 45 OF 2020
(Shila A. Mule Vs. State of Maharashtra & Ors.)**

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

DATE : 23.3.2022

ORAL ORDER :

Shri P.D. Bachate, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. Issue notice to the respondents, returnable on 29.4.2022.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 29.4.2022.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**T.A. No. 4/2021 (W.P. No. 8018/2020
(Pratik V. Phutane Vs. State of Maha. & Ors.)
WITH
T.A. No. 5/2021 (W.P. No. 8019/2020
(Raviraj R. manurwar Vs. State of Maha. & Ors.)
WITH
T.A. No. 6/2021 (W.P. No. 8020/2020
(Sayed Akhtar Sayed Lal Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Shri P.A. Rathod, learned counsel for the applicants in all these cases (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, is present.

2. Since nobody appears for the applicants, S.O. to 29.4.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 5/2021 IN O.A.ST.NO. 778/2020
(Shridhar R. Kundatwad Vs. State of Maharashtra & Ors.)**

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

DATE : 23.3.2022

ORAL ORDER :

Heard Shri R.D. Biradar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notice to the respondents in delay condonation application, returnable on 28.4.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 28.4.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**ORIGINAL APPLICATION NO. 944 OF 2019
(Dr. Anita A. Kadam Vs. State of Maha. & Ors.)**

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

DATE : 23.3.2022

ORAL ORDER :

Shri Shamdundar B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 27.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**M.A.NO. 121/2022 IN O.A.ST.NO. 534/2022
(Kedar S. Garad & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 534 OF 2022
(Kedar S. Garad & Ors. Vs. State of Maha. & Ors.)**

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 23.3.2022

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 8.4.2022.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 8.4.2022.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**ORIGINAL APPLICATION NO. 88 OF 2016
(Natha Y. Patekar Vs. State of Maha. & Ors.)**

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

DATE : 23.3.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent No. 1 and Shri Shamsundar B. Patil, learned counsel for respondent Nos. 2 to 4.

2. Learned counsel for the applicant submits that the purpose of filing of the present Original Application has been fulfilled. The written pursis under the signature of the applicant is also filed. The same is taken on record.

3. In view of the above, the following order is passed: -

ORDER

The Original Application stands disposed of since withdrawn without any order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**ORIGINAL APPLICATION ST. NO. 509 OF 2022
(Suresh V. Thormote Vs. State of Maha. & Ors.)**

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

DATE : 23.3.2022

ORAL ORDER :

Heard Shri Rohit R. Kakani, learned counsel for the applicant and Shri V.R Bhumkar, learned Presenting Officer for the respondents.

2. It is submitted that the present applicant though has accepted the verdict given by the enquiry officer and has also accepted the punishment imposed upon him, the authority concerned has not taken a final decision, which has resulted in depriving the present applicant from getting the pension and the retiral benefits.

3. Our attention has been invited to the memo dated 19.3.2021, whereby the punishment was proposed and the applicant was directed to submit his say in regard to the proposed punishment. On 26.3.2021 the applicant has filed his say to the said memo accepting the punishment imposed upon him. Thereafter, on three occasions the applicant had approached the authority concerned with a

request to pass the final order and conclude the departmental enquiry against him. The

:: - 2 - ::

O.A. ST. NO. 509 OF 2022

copies of those representations are on record. Learned counsel has also brought to our notice that representation was also preferred to the Hon'ble Governor and the office of Hon'ble Governor has directed the Secretary, Agricultural Department, Mantralaya, Mumbai to take necessary action and to pass the final order in the departmental enquiry, as soon as possible. Learned counsel submits that in spite of that since the final order has not yet been passed, the applicant is constrained to approach this Tribunal.

4. We have carefully perused the documents filed on record. In the departmental enquiry conducted against the applicant he has been held guilty for the charges leveled against him. Vide memo dated 19.3.2021 the applicant was called upon to submit the say on the point of punishment imposed upon him by the disciplinary authority i.e. the State Government. The applicant vide his letter dated 26.3.2021 has accepted the punishment imposed upon him and has made a further request to pass the final order of punishment so that his pension papers may be processed and his retiral benefits may be granted to him. It is the precise grievance of the applicant that in spite of the fact that the punishment imposed upon him has been accepted by him before about one year, the

respondent No. 1 has not yet passed any final order of punishment and consequently his pension case is not

:: - 3 - ::

O.A. ST. NO. 509 OF 2022

being processed and he is being deprived of the retiral benefits. From the documents filed on record, it is quite evident that at least 3 reminders are sent by the applicant to the Principal Secretary of the concerned department with a request to pass the final order of punishment in his case and conclude the departmental enquiry against him in all respect. It is the grievance of the applicant that his representations have not been responded to. The applicant has also placed on record the copy of the letter dated 2.8.2021, whereby the office of the Hon'ble Governor has directed the respondent No. 1 to take a final decision in the matter of departmental enquiry against the applicant, as soon as possible. It is alleged by the applicant that even the directions given by the office of the Hon'ble Governor have also not been complied with.

5. In view of the aforesaid submissions, the following order is passed: -

ORDER

1. Issue notice to the respondents, returnable on 7.4.2022. We hope, by that time the authority concerned would pass the final order and conclude the departmental proceedings against the present applicant.

2. The respondent No. 1 to explain as to why till date the final order has not been passed in the departmental proceedings against the present applicant.

3. We also direct the respondents to place on record the concerned file pertaining to the present matter, so as to know the steps taken in the matter and to ascertain at which stage the mater remained pending and because of whom the delay has been caused in taking final decision.

4. The order passed by us today be communicated to the officer concerned by the learned Presenting Officer today itself.

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

6. 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.

7. 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.

:: - 5 - :: O.A. ST. NO. 509 OF 2022

8. 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.

9. S.O. to 7.4.2022.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**ORIGINAL APPLICATION NO. 851 OF 2018
(Krushnadas Arvind Palsikar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Heard Ms. Vaishali K. Bhalerao, learned counsel holding for Shri Pramod A. Kulkarni, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri K.S. Solanke, learned counsel for respondent No. 4.

2. Today, when the present matter is taken up for consideration, learned counsel for the applicant submits that the applicant has not yet filed any representation to the authorities. If that be so, there was no cause of action for filing the present Original Application and, therefore, the same stands disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 192 OF 2022
(Dnyaneshwar R. Tidke Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In the present Original Application the following prayer is made and the interim relief is also sought in the following terms: -

“A. The Original Application may kindly be allowed;

B. The respondent authorities more particularly, the respondent No. 3 may kindly be directed to fill up the post as per the advertisement published by Department of Agriculture through Divisional Joint Director Aurangabad Division, Aurangabad dated 03.01.2019 within stipulated time and for that purpose issue necessary orders.

VII. INTERIM RELIEFS :-

C. Pending the hearing and final disposal of this Original Application, the respondent No. 3 may kindly be directed to take further steps to

fill up the posts as per the advertisement for that purpose issue necessary orders.

:: - 2 - :: O.A. NO. 192 OF 2022

D. Any other suitable and equitable reliefs may kindly be granted in favour of the Applicant.”

3. Learned Chief Presenting Officer submits that recruitment has already begun. In the circumstances, the very purpose of filing the present O.A. seems to have been fulfilled. The Original Application is, therefore, disposed of being infructuous without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 193 OF 2022
(Datta A. Dhage Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In the present Original Application the following prayer is made and the interim relief is also sought in the following terms: -

“A. The Original Application may kindly be allowed;

B. The respondent authorities more particularly, the respondent No. 3 may kindly be directed to fill up the post as per the advertisement published by Department of Agriculture through Divisional Joint Director Aurangabad Division, Aurangabad dated 03.01.2019 within stipulated time and for that purpose issue necessary orders.

VII. INTERIM RELIEFS :-

C. Pending the hearing and final disposal of this Original Application, the respondent No. 3 may kindly be directed to take further steps to

fill up the posts as per the advertisement for that purpose issue necessary orders.

:: - 2 - :: O.A. NO. 193 OF 2022

D. Any other suitable and equitable reliefs may kindly be granted in favour of the Applicant.”

3. Learned Chief Presenting Officer submits that recruitment has already begun. In the circumstances, the very purpose of filing the present O.A. seems to have been fulfilled. The Original Application is, therefore, disposed of being infructuous without any order as to costs.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Shri Sameer S. Kurundkar, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri U.S. Patil, learned counsel for the applicant in M.A. No. 337/201, are present.

2. Learned counsel for the applicant has tendered across the bar affidavit in rejoinder in T.A. No. 2/2021 (W.P. No. 2612/2021) and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

T.A.NO. 1/21 (W.P.NO. 4908/2021)
(Shivaji T. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 23.3.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2, Shri U.S. Patil, learned counsel for respondent Nos. 3 to 5 and Shri C.V. Dharurkar, learned counsel for respondent Nos. 6 to 8, are present.

2. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**ORIGINAL APPLICATION NO. 826 OF 2021
(Baliram S. Sapkale & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Shri S.D. Dhongde, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted by way of last chance.
3. S.O. to 30.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 818 OF 2021
(Dr. Ashwini A. Patil Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 5, Shri S.G. Chapalgaonkar, learned counsel for respondent No. 6 and Shri S.G. Kulkarni, learned counsel for respondent No. 8, are present.

Shri Amol Jagtap, learned counsel appeared today and he has filed **VAKALATNAMA** on behalf of respondent No. 9 and the same is taken on record.

2. Learned counsel for the respective respondents have sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 31.3.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 295/2019 IN O.A.ST.NO. 993/2019
(Vaishali S. Sanap Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Shri Sameer S. Kurundkar, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. List the present case for hearing on 21.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD

**O.A.Nos. 86, 89, 92, 93, 148, 150, 90 ALL OF 2016 & 226/2015 & 149/2016,
(Bankat N. Ghule & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 23.3.2022

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicants in all these cases, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for respondent No. 1 in all these cases and Shri Sham Patil, learned counsel for respondent Nos. 2 to 4 in all these cases.

2. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.3.2022-HDD