

**ORIGINAL APPLICATION NO. 857/2019**  
**(Bibhishan R. Chole Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.V. Thomvbre, learned counsel holding  
for Shri S.S. Thombre, learned counsel for the  
applicant and Shri M.S. Mahajan, learned Chief  
Presenting Officer for the respondent authorities, are  
present.

2. Division Bench is not available today. Hence,  
matter to come up on board on 31.1.2024 in Urgent  
Admission category.

**MEMBER (A)**

**M.A. NO. 284/2023 IN O.A. ST. NO. 1141/2023**  
**(Chya V. Bhosale Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri K.G. Salunke, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent no. 1 to 3. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 5.2.2024 for filing rejoinder affidavit, if any, by the applicant.

**MEMBER (A)**

ARJ ORAL ORDER 23.01.2024

**ORIGINAL APPLICATION NO. 187/2020**  
**(Basanti J. Padavi Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. R.L. Jakhade, learned counsel holding for Shri S.A. Kulkarni, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the short affidavit in reply on behalf of respondent no. 02. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 6.2.2024 for filing rejoinder affidavit, if any, by the applicant.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 615/2018**  
**(Desai Timma Gaikwad Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has tendered the short affidavit on behalf of the applicant. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 12.2.2024 for hearing.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 876/2023**  
**(Umakant B. Patil Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri V.G. Pingle, learned counsel holding for Shri Bharat R. Warma, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent no. 01. Same is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

3. S.O. to 22.2.2024 for filing rejoinder, if any, by the applicant.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 824/2022**  
**(Pravin S. Jadhav & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. Learned counsel submits that the applicant  
does not wish to file the rejoinder affidavit.
3. List the matter for hearing on 20.2.2024.

**MEMBER (A)**

**C.P. NO. 57/2023 IN O.A. NO. 317/2023**  
**(Triyambak G. Mahatre Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri R.A. Joshi, learned counsel for the petitioner (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent no. 02. Same is taken on record. Learned P.O. undertook to supply copy of reply to the learned counsel for the petitioner.

3. S.O. to 22.2.2024 for filing rejoinder affidavit, if any, by the petitioner.

**MEMBER (A)**

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

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri D.M. Hange, learned counsel holding for Ms. Preeti Wankhade, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The Division Bench is not available.

3. List the matter on 6.2.2024 in Urgent Admission category.

**MEMBER (A)**

ARJ ORAL ORDER 23.01.2024



**M.A. NO. 520/2023 IN O.A. ST. NO. 1721/2023**  
**(Raju L. Magar Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent nos. 2 & 3 in M.A. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 20.2.2024 for filing rejoinder, if any, by the applicant.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 694/2021**  
**(Avinash G. Chonde Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri Ashish Hajare, learned counsel holding for  
Shri A.B. Chalak, learned counsel for the applicant  
and Shri M.S. Mahajan, learned Chief Presenting  
Officer for the respondent authorities, are present.

2. S.O. to 9.2.2024 for hearing. Interim relief  
granted earlier to continue till then.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 339/2021**  
**(Arun S. Jadhav Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri Ashish Hajare, learned counsel holding for  
Shri A.B. Chalak, learned counsel for the applicant  
and Smt. M.S. Patni, learned Presenting Officer for  
the respondent authorities, are present.

2. S.O. to 9.2.2024 for hearing. Interim relief  
granted earlier to continue till then.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 782/2022**  
**(Bhausahab A. Shelke Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel holding for  
Shri Amol Gaikwad, learned counsel for the  
applicant and Smt. Deepali S. Deshpande, learned  
Presenting Officer for the respondent authorities, are  
present.

2. S.O. to 6.2.2024. Interim relief granted earlier  
to continue till then.

**MEMBER (A)**

**O.A. NOS. 603, 604, 605, 606, 607, 608, 609 & 780  
ALL OF 2017  
(Jaideep Limbale & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicants in O.A. NOS. 603 TO 609 all of 2017, Shri D.M. Hange, learned counsel holding for Ms. Preeti Wankhade, learned counsel for applicant in O.A. NO. 780/2017 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 7.2.2024 for hearing. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 771/2022**  
**(Mulani Manzura Rustum Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.D. Sugdare, learned counsel holding for  
Shri V.S. Kadam, learned counsel for the applicant,  
Shri V.R. Bhumkar, learned Presenting Officer for  
the respondent authorities and Shri M.B. Kolpe,  
learned counsel for respondent no. 03, are present.

2. S.O. to 13.2.2024 for hearing. Interim relief  
granted earlier to continue till then.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 794/2022**  
**(Ishvar S. Survase Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench  
due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel holding for  
Shri S.S. Thomvbre, learned counsel for the  
applicant and Smt. M.S. Patni, learned Presenting  
Officer for the respondent authorities, are present.

2. S.O. to 16.2.2024 for hearing. Interim relief  
granted earlier to continue till then.

**MEMBER (A)**

**O.A. NOS. 614, 666, 693, 737, 780, 747, 748, 769, 749, 750, 751,777, 778, 787, 788, 796, 803, 790, 791 & 832 ALL OF 2022**  
**(Dr. Deepak N. Kawale & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Shri Vinay Kargaonkar, Member (A)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.D. Sugdare, learned counsel holding for S/shri J.S. Deshmukh, V.S. Kadam, Avinash Deshmukh, V.S. Valse and S.N. Pagare, learned counsel for the applicants in respective matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters and Shri M.B. Kolpe, learned counsel for respondent nos. 2, 3 & 4 in respective matters, are present.

2. S.O. to 13.2.2024 for hearing. Interim relief granted earlier to continue till then.

**MEMBER (A)**



**M.A.NO.409/2023 IN O.A.NO.551/2022**  
**M.A.NO.410/2023 IN O.A.NO.552/2022**  
**M.A.NO.411/2023 IN O.A.NO.554/2022**  
**M.A.NO.412/2023 IN O.A.NO.555/2022**  
**M.A.NO.413/2023 IN O.A.NO.556/2022**  
**M.A.NO.414/2023 IN O.A.NO.557/2022**  
**M.A.NO.415/2023 IN O.A.NO.559/2022**  
**M.A.NO.416/2023 IN O.A.NO.561/2022**  
**M.A.NO.417/2023 IN O.A.NO.562/2022**  
**M.A.NO.418/2023 IN O.A.NO.563/2022**  
**M.A.NO.419/2023 IN O.A.NO.564/2022**  
**M.A.NO.420/2023 IN O.A.NO.565/2022**  
**M.A.NO.421/2023 IN O.A.NO.566/2022**  
**M.A.NO.422/2023 IN O.A.NO.1110/2022**  
**M.A.NO.446/2023 IN O.A.NO.550/2022**  
**M.A.NO.447/2023 IN O.A.NO.553/2022**  
**M.A.NO.448/2023 IN O.A.NO.560/2022**  
**M.A.NO.449/2023 IN O.A.NO. 558/2022**  
**M.A.NO. 486/2023 IN O.A.NO. 44/2021**  
**ORIGINAL APPLICATION NO. 25/2024**  
**(State of Maharashtra & Ors. V/s. Raghoji Bele & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

S/Shri V.R. Bhumkar, learned Presenting Officer for the applicants in M.A. (original respondents) and Shri V.G. Pingle, learned counsel for the respondents (Original Applicants) in M.A. No. 409/2023 to M.A. No. 417 of 2023, M.A. No. 422/2023, M.A. 446/2023, M.A. 447/2023, M.A. 448/2023, M.A. 449/2023 & M.A. 486/2023 and holing for Shri P.M. Shinde, learned counsel for the respondents (Original Applicants) in M.A. Nos. 418/2023 to M.A. 421/2023, are present.

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2 At the request of learned Presenting Officer, S.O. to 16.02.2024 for filing affidavit in reply on behalf of the respondents to the Original Applications.

**MEMBER (J)**

KPB ORAL ORDERS 23.01.2024

**O.A. Nos. 241, 242, 243, 244 & 245 all of 2023**  
**(Punjaram N. Wathore & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants in all these O.As. and S/shri N.U. Yadav, D.R. Patil, B.S. Deokar, I.S. Thorat & Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent authorities in respective O.As., are present.

2. Learned Presenting Officers submits affidavit in reply on behalf of respondent Nos. 1 to 4 in O.As. Nos. 242, 243, 244 & 245 all of 2023. Same are taken on record and copies thereof are given to learned counsel for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in O.A. No. 241/2023. Time granted.

4. S.O. to 05.03.2024 for filing rejoinder affidavit, if any.

**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 : 23.01.2024**

**ORAL ORDER :**

Shri R.O. Awsarmol, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.K. Chavan, learned counsel for respondent No. 2, are present.

2. Learned counsel for respondent No. 2 submits affidavit in reply. Same is taken on record and copy thereof is given to learned P.O.

3. Though the last chance is given, the affidavit in reply is not filed on behalf of respondent No. 1.

4. List the matte for admission hearing on 12.02.2024 with liberty to file affidavit in reply on behalf of respondent No. 1, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 141 OF 2023**  
**(Rukhmin S. Mendhake Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**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. Though the last chance is granted, the affidavit in reply is not filed.

3. List the matter for admission hearing on 01.03.2024 with liberty to the other side to file affidavit in reply, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 896 OF 2023**  
(Gopinath N. Gunjal Vs. State of Maharashtra & Ors.)

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. Though the last chance is granted, the affidavit in reply is not filed.

3. List the matter for admission hearing on 13.03.2024 with liberty to the other side to file affidavit in reply, if any.

**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 : 23.01.2024**

**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. At the request made on behalf of respondents, time is granted for filing affidavit in reply.

3. S.O. to 27.02.2024.

**MEMBER (J)**

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

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. Though the last chance is granted, the affidavit in reply is not filed.

3. List the matter for admission hearing on 21.02.2024 with liberty to the other side to file affidavit in reply, if any.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 370 OF 2023**  
**(Bhagwan V. Bankar Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof is given to other side.

3. Learned counsel for the applicant submits that the applicant is not going to file any rejoinder affidavit.

4. Pleadings completed. List the matter for admission hearing on 13.03.2024.

**MEMBER (J)**

**M.A. No. 167/2022 in O.A. St. No. 553/2022**  
(Agatrao N. Kolekar Vs. State of Maharashtra & Ors.)

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that the respondent Nos. 1 and 2 are adopting the affidavit in reply filed on behalf of respondent No. 3.

3. List the matter for hearing on 16.02.2024.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024

**ORIGINAL APPLICATION NO. 276 OF 2023**  
**(Dr. Shivaji G. Mundhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri Umesh S. Mote, learned counsel for respondent No. 4, is **absent**.

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

3. S.O. to 26.02.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 546 OF 2023**  
**(Kamaji M. Thombare Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri S.S. Randive, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present. Shri H.P. Kshirsagar, learned counsel for respondent No. 4, is **absent**.

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

3. S.O. to 28.02.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 170 OF 2023**  
**(Balkrushna M. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri Rushikesh Joshi, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2. Same is taken on record along with spare copy 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. List the matter for admission hearing on 14.03.2024 and filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 115 OF 2021**  
**(Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri R.K. Khandelwal, 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 05.03.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 937 OF 2022**  
**(Bharat S. Khanderao Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri P.D. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 18.03.2024 for hearing.

**MEMBER (J)**

**M.A. No. 12/2021 in O.A. St. No. 34/2021**  
**(Gorakh Dhakane Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri R.G. Tupe, learned counsel holding for Shri D.A. Mane, 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 16.02.2024 for filing rejoinder affidavit, if any.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024



**M.A. No. 204/2023 in O.A. No. 697/2022**  
**(Mohammad Shehejada Mohammad Sultan Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri G.N. Kulkarni, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. Same is taken on record along with spare copy for the applicant.

3. List the matter for hearing on 15.03.2024.

**MEMBER (J)**

**M.A. No. 363/2023 in O.A. St. No. 1497/2023**  
**(Mukund G. Deshmukh Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri S.P. Pandit/B.G. Parnekar, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 to 5 in M.A. Same is taken on record along with spare copy for the applicant.

3. List the matter for hearing on 18.03.2024.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024

**M.A. No. 355/2022 in O.A. St. No. 1318/2022**  
**(Dileep B. Phatangare Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present. Shri I.D. Narwade, learned counsel for respondent No. 4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 23.02.2024 for filing rejoinder affidavit.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024

**M.A. No. 428/2023 in O.A. St. No. 1403/2023  
(Gautam L. Paikade Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri G.D. Maske, learned counsel holding for Shri P.D. Jarare, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 19.03.2024.

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 19.03.2024.

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

**MEMBER (J)**

**M.A. No. 19/2024 in O.A. St. No. 95/2024  
(Ravindra P. Garbade Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 19.03.2024.

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 19.03.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 146 OF 2023**  
**(Shashikala G. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. It is a part heard matter.
3. At the request of learned Presenting Officer, S.O. to 09.02.2024 for further hearing.

**MEMBER (J)**

**M.A. No. 370/2018 in O.A. St. No. 1556/2018**  
**(Jagannath P. Hanwate Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. It is informed that learned counsel Shri G.N. Patil, representing for respondent No. 2 is no more.

3. In view of above, issue fresh notice to respondent No. 2, returnable on 14.03.2024.

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

5. 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.

6. 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.

7. 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.

8. S.O. to 14.03.2024.

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

**MEMBER (J)**

**M.A. No. 131/2022 in O.A. St. No. 528/2022**  
**(Sitaram V. Inkare Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**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.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant today itself.

3. S.O. to 07.02.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024



**M.A. No. 214/2023 in O.A. St. No. 612/2023**  
**(Babasaheb D. Puri Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri M.V. Dhongde/R.D. Bhalerao, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 14.03.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024

**M.A. No. 492/2023 in O.A. No. 917/2022**  
**(Santosh P. Madane Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.R. Kawade, learned counsel holding for Shri C.R. Thorat, 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 05.02.2024.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024

**ORIGINAL APPLICATION NO. 303 OF 2014**  
**(Prakash N. Shrivastav Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. In compliance with the order dated 09.01.2024, learned counsel for the applicant submits certified copy of the affidavit in reply filed on behalf of respondents in O.A. 406/2015 along with the copy of memo of said O.A. Same are taken on record.

3. Learned counsel for the applicant has repeatedly submitted that the applicant was appointed from the Open category, though he belongs to OBC category and in view of the same, by order dated 05.02.2011, the applicant came to be promoted as Junior Clerk.

4. Per-contra learned Presenting Officer submits that in terms of the appointment order (Annexure A-1) name of the applicant was recommended by the

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O.A. No. 303/2014

Social Welfare Officer, Aurangabad and this fact itself indicates that the applicant came to be appointed from OBC category. In order to elaborate and to interpret the meaning of the said statement in the appointment order i.e. “recommended by the Social Welfare Officer, Aurangabad”, learned Presenting Officer seeks time to take specific instructions in this regard from the concerned respondent/s and if required, submit the short affidavit. Time granted.

5. It is a part heard matter. S.O. to 07.02.2024 for further hearing.

**MEMBER (J)**

KPB ORAL ORDER 23.01.2024

**ORIGINAL APPLICATION NO. 251 OF 2020  
(Sandu R. Magar Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. In respect of event, which allegedly occurred during the period of 2014-15 and 2016-17, the Departmental Enquiry was supposed to be initiated against the applicant. It appears from the Annexure R-2 submitted on behalf of respondents that the respondent Nos. 2 and 4 are repeatedly requested the Deputy Collector, Collector Officer, Beed to make available the relevant papers so as to prepare the charge-sheet against the applicant and the said correspondence is dated 15.06.2021 and the last letter is of 10.02.2022.

3. Learned counsel for the applicant brought the attention of this Tribunal to Rule 27(2)(b)(ii) of the Maharashtra Civil Services (Pension) Rules, 1982, which prescribes that the departmental proceedings shall not be initiated in respect of any event, which

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O.A. No. 251/2020

took place more than four years before such institution. It is not disputed that the applicant took voluntary retirement on 13.11.2019.

4. Learned Presenting Officer on oral instructions from the respondents submits that the Departmental Enquiry against the applicant is in progress.

5. Learned counsel for the applicant on instructions submits that the applicant has received one letter dated 20.12.2023 in the month of January, 2024 about the charge-sheet in Departmental Enquiry to be served on the applicant.

6. In view of above, learned counsel for the applicant seeks time to take appropriate steps in the present Original Application with regard to filing of charge-sheet against the applicant. Time granted.

7. It is a part heard matter. S.O. to 07.02.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 227 OF 2022**  
**(Dhanaji S. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri M.B. Kolpe, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Heard both the sides at length.

3. It appears that in almost identical facts of the case, the Maharashtra Administrative Tribunal Mumbai, Bench at Nagpur has dealt with O.A. No. 179/2016 (Shri Ramesh Atmaramji Kawale Vs. The State of Maharashtra and Ors.) and allowed the said O.A. on 30.10.2018 directing thereby respondents to release the pay of the Applicant as per higher pay scale of Rs.9300-34800 8 plus Grade Pay of Rs.4300 w.e.f. 1.8.2008. The Respondents are directed to comply with this order within four months. Being aggrieved by the same, the State of Maharashtra through its Principal Secretary, Industries Energy and Labour Department, Mantralaya, Mumbai and Ors., has preferred W.P. No. 1967/2021, which is now pending before the Hon'ble High Court of Bombay, Bench at Aurangabad.

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O.A. No. 227/2022

4. Though learned counsel for the applicant by referring the order dated 16.06.2021 passed by the Division Bench of the Hon'ble High Court of Bombay, Bench at Nagpur in the aforesaid W.P. tried his best to canvass that in the said W.P. the issue of limitation only will be considered, however, it appears from the said order that while issuing notices, the Hon'ble High Court has observed that prima-facie issue of limitation has not been appropriately considered by the Maharashtra Administrative Tribunal.

5. It is specific case of the respondents (petitioners in the aforesaid W.P.) that the G.R. dated 07.04.2007 was issued after the deliberations of the High Level Secretarial Committee of the State of Maharashtra and was issued in concurrence with the Finance Department. It is the case of the department before the Administrative Tribunal that the post of Draftsman in Directorate of Geology and Mining was ceased in view of the G.R. dated 07.04.2007 and the post of Draftsman, Senior Surveyor, Surveyor, Cadastral Surveyor and



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O.A. No. 227/2022

Assistant Draftsman were renamed as Geological Information System Assistant (GISA).

6. In view of above specific stand taken by the Department, which directly deals with the applicability of the Government Resolution dated 07.04.2007, in my considered opinion, the said issue is now subjudice before the Hon'ble High Court of Bombay, Bench at Nagpur in the aforesaid W.P.

7. Thus, Admit.

8. No interim relief. Learned P.O. waives notice for all the respondents on admission.

9. S.O. to 01.04.2024 for final hearing.

**MEMBER (J)**

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

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel holding for Shri S.B. Pawar, 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, are present.

2. By consent of all the parties, S.O. to 21.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

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

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. Suchita A. Dhongde, learned counsel for the applicant has filed a **leave note**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 21.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 790 OF 2021**  
**(Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. Suchita A. Dhongde, learned counsel for the applicant has filed a **leave note**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 21.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 328 OF 2022**  
**(Ashok B. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, 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 26.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 364 OF 2022**  
**(Laxmibai U. Potdar Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. Seema P. Malode, learned counsel holding for Shri Anand V. Patil (Indrale), 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 26.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 856 OF 2022**  
**(Chandrakant V. Sadakal Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri N.B. Narwade, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 01.04.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 249 OF 2023**  
**(Rajendra D. Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri Vinayak P. Narwade, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 02.04.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas



**ORIGINAL APPLICATION NO. 297 OF 2023**  
**(Prashant B. Kacchawa Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri K.G. Salunke, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri R.R. Imale, learned counsel for respondent No.4, are present.

2. The present matter shall be kept along with O.A.No. 44/2023 on 30.01.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 398 OF 2023**  
**(Sanjay R. Betiwar Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri A.S. Deshpande, 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 16.02.2024 for hearing.

3. The interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 706 OF 2023**  
**(Kishan I. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 27.03.2024 for hearing.

**MEMBER (J)**

**O.A.NO. 122/2020 WITH Caveat No. 06/2020  
(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri Y.B. Bolkar, learned counsel for the applicant and Shri N.N. Desale, learned counsel for respondent No.5, are **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

Shri S.D. Dhongde, learned counsel for respondent No.4 (Caveator) has filed a **leave note**.

2. None present for the applicant.
3. S.O. to 20.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 551 OF 2020**  
**(Kiran S. Pathare Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

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

2. S.O. to 05.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 07 OF 2021**  
**(Arun W. Thakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.02.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 193 OF 2021**  
**(Dr. Govardhan S. Doifode Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri U.B. Bondar, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. S.O. to 28.03.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas

**ORIGINAL APPLICATION NO. 591 OF 2021**  
**(Vaishnavi S. Landage Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Shri M.B. Kolpe, learned counsel holding for Shri S.B. Chaudhari, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.01.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 23.01.2024 sas



**M.A. No. 320/2021 in O.A. St. No. 1326/2021**  
**(Kalpana B. Padwal Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri S.S. Ware, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. There is delay of 1534 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that in the year 2006, the applicant was selected as Staff Nurse on temporary basis by the Deputy Director of Health Services, Aurangabad and she was regularized from 17.03.2006. She was working as regular Staff Nurse in Public Health Department and she has applied for some competitive exam which was taken for the post of Adhiparicharika with prior permission of the competent authority.

4. Learned counsel for the applicant submits that being eligible candidate, the applicant had applied for the basic B.Sc. (Nursing) and availed study leave

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M.A. 320/2021 in  
O.A.St.1326/2021

from the month of August 2011 to August, 2013 and after completion of study leave period, the applicant was resumed on duty. Similarly, the applicant preferred application to obtain permission for getting admission for M.Sc. (Nursing) in Private College in the year 2015. As the applicant has already obtained study leave, she was not entitled for the second study leave and thus the applicant had applied for sanction of extraordinary leave for M.Sc. (Nursing). It was taken for the period from 01.09.2015 to 31.08.2017.

5. Learned counsel for the applicant submits that though the applicant obtained extraordinary leave from the Government, the said leave period was required to be considered as qualifying service, but the respondents declared her leave period as non-dies. The applicant has submitted representations dated 26.07.2018, 10.01.2019 and 07.05.2019 requesting therein to consider her case. However, the respondent No. 2 on 24.07.2019 issued a letter stating that yearly increments are admissible to the applicant from next year. Without giving effect to the said directions, till today yearly increments were

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M.A. 320/2021 in  
O.A.St.1326/2021

not paid to the applicant. Though the applicant after completion of M.Sc. (Nursing) resumed her duties and approached to the respondents so many times requesting for release of payment of yearly increments and cancellation of the impugned order, however, the same has not been considered. Learned counsel submits that there is continuous cause of action and as such, there is no delay. Learned counsel submits that thereafter due to outbreak of Covid-19 pandemic and since the applicant was heavily occupied in serving the Covid-19 patients, she could not approach this Tribunal in time and as such technically the delay has been occurred. Learned counsel submits that there is no inaction on part of the applicant and there is no intentional or deliberate delay.

6. Learned Presenting Officer has strongly resisted the present Misc. Application for the reason that the applicant has not satisfactorily explained the delay caused in filing the accompanying O.A. There is inaction on part of the applicant and as such, the application seeking condonation of delay is liable to be rejected.

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M.A. 320/2021 in  
O.A.St.1326/2021

7. Prima-facie considering the facts as elaborated by learned counsel for the applicant, I am agree with his submission that there is continuous cause of action. Furthermore though the applicant has time and again submitted representations, those were not considered by the respondents in its proper perspectives. Further the applicant being a Staff Nurse was heavily occupied in taking care of Covid patients during the outbreak of Covid-19 pandemic, I am convinced that there is no inaction on part of the applicant. There is no deliberate or intentional delay as such. Thus considering the entire aspects of the case, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

**ORDER**

The Misc. Application No. 320/2021 is allowed in following terms:-

(A) The delay of 1534 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is

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M.A. 320/2021 in  
O.A.St.1326/2021

hereby condoned, subject to payment of costs of Rs. 200/- (Two Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

**MEMBER (J)**

**O.A. St. No. 1326/2021**

**(Kalpana B. Padwal Vs. State of Maharashtra & Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri S.S. Ware, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 01.04.2024.

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 01.04.2024.

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

**MEMBER (J)**

**M.A.NO. 501 OF 2023 IN O.A.ST.NO. 1923 OF 2023  
(Madhukar D. Bhalshankar Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri V.B. Wani, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. By this Misc. Application the applicant is seeking condonation of delay caused in filing the accompanying Original Application.

3. There is a delay of 2 years, 10 months and 21 days caused in filing the accompanying Original Application.

4. Learned counsel for the applicant submits that by impugned communication/order dated 05.11.2019 the claim of the applicant about the correction of date of birth has been rejected in terms of the G.R. dated 03.03.1998 citing the reason that the validity for correction of birth date is of 5 years and the applicant has approached beyond the said period of 5 years.

5. The applicant has joined the police department on the post of Police Constable in the

//2// M.A. 501/2023 in  
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year 1996 and provided all the documents which were required at the time including the documents showing the date of birth as 01.06.1969 but inadvertently in service book it was wrongly mentioned as 10.01.1968. Thereafter, the applicant submitted an application/representation on 22.01.2021 and 17.01.2022 to the Superintendent of Police, Jalgaon and requested to consider his claim for correction of birth date. However, by order dated 03.10.2022 again his application came to be rejected.

6. Learned counsel for the applicant submits that due to outbreak of pandemic Covid-19, the applicant could not take legal advice in this regard and approach the Tribunal within time. Learned counsel for the applicant submits that in view of authoritative pronouncement of the Hon'ble Supreme Court of India in **Suo Motu Writ Petition (C) No. 3 of 2020** the period from 15.03.2020 till 28.02.2022 was excluded for computing the period of limitation for instituting proceedings. Learned counsel for the applicant submits that there is no inaction on the part of the



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applicant. The application seeking condonation of delay deserves to be allowed.

7. Learned P.O. has strongly resisted the application on the ground that the applicant has failed to explain the inordinate delay caused in filing the accompanying Original Application. No satisfactory explanation has been tendered for condonation of the huge delay. Learned P.O. submits that the application is without any substance and the same is liable to be rejected.

8. It appears that the matter pertains to correction of date of birth and the applicant has approached the authority in the year 2019 so also in the year 2022. However, his request was turned down only on the ground that the applicant did not approach this Tribunal within the prescribed period of limitation. I do not find any inaction on the part of the applicant. Furthermore due to outbreak of pandemic Covid-19 the applicant also prevented to take legal advice in this regard and approach the Tribunal within stipulated time.

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9. Furthermore the Hon'ble Apex Court in Suo Motu Writ Petition (C) No. 3 of 2020 has directed to exclude the period from 15.03.2020 till 28.02.2022 for instituting the proceedings. Thus considering the entire facts of the applicant I am inclined to condone the delay caused in filing the accompanying Original Application. However, the applicant is required to be saddled with costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicant and proceed to pass the following order: -

**ORDER**

The Misc. Application No. 501/2023 is allowed in following terms:-

- (A) The delay of 2 years, 10 months and 21 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs shall be deposited in the Registry

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of this Tribunal within a period of  
one month from the date of this  
order.

- (B) Upon satisfaction of the costs as above,  
the accompanying O.A. be registered  
and numbered by taking in to account  
other office objection/s, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO. 1923 OF 2023  
(Madhukar D. Bhalshankar Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 23.01.2024**

**ORAL ORDER :**

Heard Shri V.B. Wani, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 02.04.2024.

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.

//2// O.A.st. 1923/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 02.04.2024.

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

**MEMBER (J)**