

**ORIGINAL APPLICATION NO. 673 OF 2023**  
**(Gajanan B. Darade Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri V.B. Wagh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Not on Board. Taken on Board.

3. Learned counsel for the applicant submits that vide order dated 3.7.2024 passed in M.A. No. 82/2024 in O.A. No. 673/2023 leave was granted to amend the O.A. within one week therefrom. However, inadvertently within one week he could not carry out amendment. He, therefore, sought extension of time for carrying out the amendment. Leave as prayed for is granted. The amendment be carried out within 01 week from today.

4. O.A. to come on Board on 19.8.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 498 OF 2013**  
**(Shivraj D. Hawanna Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. On request of learned counsel for the applicant, S.O. to 19.08.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 190 OF 2023**  
**(Kishan B. Mane Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks 02 weeks' time to file rejoinder affidavit. Time granted.
3. S.O. to 21.08.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 191 OF 2023**  
**(Deorao A. Sawale Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks 02 weeks' time to file rejoinder affidavit. Time granted.
3. S.O. to 21.08.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 337 OF 2024**  
**(Sachin R. Gupta Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel holding for Shri SB. Solanke, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 01 to 03. It is taken on record and copy thereof has been supplied to learned counsel for the applicant.

3. S.O. to 03.09.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 647 OF 2024**  
**(Mahesh N. Jaybhaye Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri R.A. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned counsel for the applicant, issue fresh notice to the respondents, returnable on 19.09.2024.

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 19.09.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 68 OF 2024**  
**(Anil B. Chavan Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 01 to 03. It is taken on record and copy thereof has been given to learned counsel for the applicant. Learned counsel for the applicant submits that rejoinder is not to be filed in the present matter.

3. List the matter for hearing on 29.08.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 776 OF 2024**  
**(Vyankat S. Thakke & Ors. Vs. The State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri S.R. Barlinge, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. By filing the present Original Application the applicants are seeking quashment of communication dated 05.07.2024 along with list annexed thereto of 21 persons for to be promoted to the cadre of Maharashtra Agricultural Services, Class 'A' (Deputy Director). It is the contention of the applicants that they are much senior to the persons, who are proposed to be promoted. It is contended that the present applicants entered into Government services in the span between 1998 and 2000 and are holding the present post since 2009. It is the contention of the learned counsel for the applicants that the officers, who entered in the year 2013, in no case can be held



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**O.A. NO. 776 OF 2024**

senior to the applicants. Learned counsel, in the circumstances, prayed for staying the effect and operation of the communication dated 05.07.2024.

3. The request so made by the learned counsel for the applicants is opposed by the learned Presenting Officer. Learned Presenting Officer submitted that in view of the Government Resolution dated 25.05.2004 and even according to subsequent Government Resolution dated 07.05.2021, the seniority of the Officer as on 25.05.2004 may be deciding factor and unless some evidence come on record, it will be unfair and unjust to pass any preventive orders. Learned P.O. therefore has prayed for rejecting the request of the applicants for interim relief.

4. After hearing the submissions advanced by the learned counsel appearing for the applicants and the learned Presenting Officer, we deem it appropriate to pass the following order:-

**O R D E R**

1. Issue notice to the respondents, returnable on 03.09.2024. **In the meanwhile if the promotions are granted to 21 persons, who are enlisted in the annexure along with communication dated 05.07.2024, the same shall be made subject to outcome of the present Original Application.**

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

3. 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.

4. 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. 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.

6. S.O. to 03.09.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**C.P. NO. 42/2024 IN O.A. NO. 162/2019**  
(Madhav R. Pawar Vs. The State of Maharashtra & Ors.)

**C.P. NO. 43/2024 IN O.A. NO. 163/2019**  
(Vitthal S. Kharat Vs. The State of Maharashtra & Ors.)

**C.P. NO. 44/2024 IN O.A. NO. 164/2019**  
(Vaibhav S. Andhale Vs. The State of Maharashtra & Ors.)

**C.P. NO. 45/2024 IN O.A. NO. 173/2019**  
(Balkrishna N. Waghmare Vs. The State of Maharashtra & Ors.)

**C.P. NO. 46/2024 IN O.A. NO. 174/2019**  
(Amol V. Mandale Vs. The State of Maharashtra & Ors.)

**C.P. NO. 47/2024 IN O.A. NO. 175/2019**  
(Sudarshan S. Jadhav Vs. The State of Maharashtra & Ors.)

**C.P. NO. 48/2024 IN O.A. NO. 176/2019**  
(Vikas F. Dole Vs. The State of Maharashtra & Ors.)

**C.P. NO. 49/2024 IN O.A. NO. 221/2019**  
(Bhagwan S. Borude Vs. The State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the petitioners in all these matters and S/shri Mahesh B. Bharaswadkar, V.R. Bhumkar & V.G. Pingle, learned Chief Presenting Officer & learned Presenting Officers for the respondent authorities in respective matters, are present.

2. Learned C.P.O./P.Os. has filed tendered affidavit in reply on behalf of respondent no. 04 in respective matters. The same are taken on record and copies

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thereof are supplied to learned counsel for the petitioner. Learned P.O. sought time for filing affidavit in reply on behalf of other respondents. Time granted.

3. S.O. to 27.08.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 26.07.2024-ARJ

**ORIGINAL APPLICATION NO.913/2023**  
**(Bhausahab Raosaheb Sarawade Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri Ajay Deshpande, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20-08-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.474/2024**  
(Devsing s/o. Ambarsing Jarwal Vs. State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

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

2. S.O. to 19-08-2024. Interim relief granted  
earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.864/2023**  
**(Amarsingh R. Hazari Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

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

2. S.O. to 19-08-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.754/2022**  
**(Akash Kumar Chougule Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

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

2. S.O. to 19-08-2024. Interim relief granted  
earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.994/2023**  
**(Trimbak Dasu Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri H.P.Jadhav, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19-08-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**M.A.NO.239/2023 IN M.A.NO.359/2022 IN  
O.A.NO.729/2022**  
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)  
**WITH**  
**M.A.NO.257/2023 IN M.A.NO.563/2022 IN  
O.A.NO.730/2022**  
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri V.B.Wagh, learned Counsel for the applicants in M.A.239/23, O.A.729/22, M.A.257/23 & O.A.730/22, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, and Shri R.A.Joshi, learned Counsel for intervenors, are present.

Shri Amol B. Chalak, learned Counsel for intervenors in M.A.359/2022 is **absent**.

2. S.O. to 19-08-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 307/2024**  
**(Pravin D. Chaware and Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Ms. Pradnya Talekar, learned counsel for the applicants, Shri Maheah B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned counsel for respondent nos.4, 8, 9, 11 & 15, Shri V.D.Sapkal, learned Senior Counsel alongwith Shri V.B. Wagh, learned counsel for respondent nos. 5, 6, 14, 16 and 17 and Shri Yashodeep Deshmukh learned counsel alongwith Shri A.D. Kaware, learned counsel for respondent no. 10.

2. At the commencement of arguments in the present matter, learned Counsel Shri V.B.Wagh appearing for respondent nos. 5, 6, 14, 16 and 17 alongwith Senior Counsel Shri V.D.Sapkal placed on record notes of written arguments on behalf of the said respondents alongwith relevant documents in support of the contentions. Same is taken on record. Copies are provided to all concerned.

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O.A.NO.307/2024

3. Learned Counsel Shri Avinash S. Deshmukh appearing for respondent nos.4, 8, 9 11 and 15 has placed on record Government Circular dated 09-12-2019 which is annexed with the accompanying seniority list of the Executive Engineers as on 01-01-2018. Same is also taken on record. Shri V.D.Sapkal, learned Senior Counsel alongwith Shri V.B. Wagh, learned counsel for respondent nos. 5, 6, 14, 16 and 17 argued on behalf of the said respondents. Shri Yashodeep Deshmukh, learned Counsel appearing for respondent no.10 argued on behalf of the said respondent.

4. S.O. to 01-08-2024. **Part Heard.**

**MEMBER (A)**

YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 313/2024**  
**(Vinayak V. Nakhate & Ors. Vs. The State of Maharashtra & Ors.)**

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

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Shri Ajay Deshpande, learned Counsel has filed written notes of arguments on behalf of applicants. It is taken on record. Copies thereof are provided to the other side. Matter be placed for reply of respondents and arguments of learned CPO.

3. S.O. to 01-08-2024. **Part Heard.**

**MEMBER (A)**

YUK ORAL ORDER 26.07.2024

**VICE CHAIRMAN**

**M.A. No. 535/2023 in O.A. St. No. 1962/2023**  
**(Gangagir S. Giri Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri A.A. Khande, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of near about one and half years caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant was initially appointed as Kotwal and thereafter promoted as Peon. Learned counsel submits that by filing the O.A., the applicant is seeking deemed date of promotion. Learned counsel submits that in the year 2013, though the applicant was due for promotion, however promotion was not given to him for the reason that one criminal case was pending against him. Leaned counsel submits that in the year 2015, the applicant came to be acquitted in connection with the said criminal case and therefore, continuously and consistently the applicant has submitted representations before the

//2// MA 535/2023 in  
OA St. 1962/2023

respondent authorities for promotion with deem date. However, the department has given promotion to the applicant on 09.01.2020.

4. Learned counsel for the applicant submits that thereafter due to pandemic of COVID-19 and declaration and continuation of lockdown, the applicant could not approach this Tribunal within time. Even the Hon'ble Supreme Court in Suo Motu Writ Petition No. 3 of 2020 has taken cognizance of the said calamities and extended time of limitation in all proceedings before the Courts / Tribunals. Learned counsel submits that even thereafter when the lockdown was lifted, the applicant could not approach this Tribunal due to financial constraints and illness of his mother. Learned counsel submits that there is no intentional or deliberate delay as such. There is no inaction on part of the applicant. The applicant is prevented from sufficient cause to approach this Tribunal within time. Learned counsel thus submits that the delay may be condoned.

//3// MA 535/2023 in  
OA St. 1962/2023

5. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay in approaching this Tribunal. Learned P.O. submits that the delay has to be counted from either 2013 or from 2015 and the applicant has not tendered satisfactory reasons to condone such an inordinate delay caused in filing the accompanying Original Application. Learned P.O. submits that there is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be rejected.

6. It appears that due to pendency of criminal case, the applicant was not given promotion for considerable period and before that the applicant has continuously submitted representations for grant of promotion with deem date. Even in the year 2020 when the promotion was granted, the applicant could not approach this Tribunal due to outbreak of COVID-19.

7. The Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3 of 2020 has passed the orders time to time in the backdrop of the outbreak of



//4// MA 535/2023 in  
OA St. 1962/2023

Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

8. Even after the date on which the Hon'ble Supreme Court has extended the time is over, the applicant could not approach this Tribunal due to financial constraints and illness of his mother. Thus considering the entire aspect of the case, I am satisfied that the applicant is prevented from sufficient cause to approach this Tribunal within time. I do not find substance in the submissions made on behalf of respondents that the delay has to be counted from 2013 or 2015 as the case may be for the simple reason that in the year 2020 only the applicant was given functional promotion and before that by filing representations the applicant had claimed and requested to consider him for the promotion

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OA St. 1962/2023

from the date on which he was acquitted. Thus there is no inaction on part of the applicant nor there is an intentional or deliberate delay as such. In view of the same, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of costs by the applicant. Hence, the following order :-

**ORDER**

- (i) The Misc. Application No. 535/2023 is hereby allowed.
- (ii) The delay of one and half years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) 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.
- (iv) The M.A. accordingly disposed of.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 1962/2023  
(Gangagir S. Giri Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri A.A. Khande, learned Counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to respondents, returnable on 23.09.2024.

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 23.09.2024.

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

**MEMBER (J)**

**M.A. No. 144/2024 in O.A. No. 412/2024  
(Sumedh D. Raut Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri P.B. Vikhe, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri K.S. Solanke, learned counsel for respondent Nos. 4 to 6, are present.

2. By consent, S.O. to 14.08.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024

**T.A. No. 08/2024 (W.P. No. 693/2024)**  
**(Bhimrao K. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024

**ORIGINAL APPLICATION NO. 109 OF 2024**  
**(Kisan R. Gawali Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri V.S. Panpatte, learned counsel for the applicant and Smt. Yogita Thorat, learned counsel for respondent No. 4, are **absent**.

Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Rakesh Jain, learned counsel for respondent No. 7, are present.

2. Learned counsel for respondent No. 7 submits that there is no need to file affidavit in reply, since respondent No. 7 is the formal party.

3. At the request of learned P.O., S.O. to 13.08.2024 for filing affidavit in reply on behalf of respondent No. 1.

**MEMBER (J)**

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

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, two weeks' time is extended for carrying out amendment.

3. S.O. to 12.08.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1008 OF 2023**  
(Mohammad Asgar Mohammad Moosa Vs. State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 21.08.2024.

**MEMBER (J)**



**ORIGINAL APPLICATION ST. NO. 1254 OF 2024  
(Chandrakant G. Ubale Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 23.08.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 27 OF 2019**  
**(Raosaheb D. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that in the present O.A. there exists element of settlement, since the ratio laid down by the Hon'ble Apex Court in the case of **State of Punjab and Others Vs. Rafiq Masih (White Washer) etc., (2015) 4 Supreme Court Cases 334** is squarely applicable in the present case. Learned counsel submits that he is going to submit the consent form for placing the present matter before Lok Adalat during the course of the day.

3. In view of above, list the matter in the ensuing Lok Adalat scheduled to be held on 21.09.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 291 OF 2021**  
**(Dattatraya M. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that in the present O.A. there exists element of settlement, since the ratio laid down by the Hon'ble Apex Court in the case of **State of Punjab and Others Vs. Rafiq Masih (White Washer) etc., (2015) 4 Supreme Court Cases 334** is squarely applicable in the present case. Learned counsel submits that he is going to submit the consent form for placing the present matter before Lok Adalat during the course of the day.

3. In view of above, list the matter in the ensuing Lok Adalat scheduled to be held on 21.09.2024. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 930 OF 2023**  
**(Dr. Pravinkumar B. More Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no affidavit in reply has been filed.
3. List the matter for admission hearing on 10.09.2024 with liberty to the other side to file affidavit in reply, if any till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 719 OF 2024**  
**(Sohail Noor Mohammad Shaikh Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri V.V. Kabade, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 09.08.2024. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1136 OF 2022**  
**(Ramdas N. Sangle Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 27.08.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1137 OF 2022**  
**(Ravindra G. Barde Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 27.08.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 492 OF 2023**  
**(Dr. Jagannath G. Kundkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks one week time to file rejoinder affidavit. Time granted.

3. S.O. to 08.08.2024 for hearing. Interim relief granted earlier to continue till then.

**MEMBER (J)**



**M.A. No. 361/2023 in O.A. St. No. 1150/2023**  
**(Arvind N. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.A. Kulkarni, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

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

3. List the matter for hearing on 20.09.2024.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024

**T.A. No. 11/2024 (W.P. No. 1563/2024)**  
**(Raju A. Sanap & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Smt. Sunita G. Sonawane, learned counsel for the applicants (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Even though on last three occasions the circulation is sought, learned counsel for the applicants remained absent. Today also none present for the applicants.

3. S.O. to 01.10.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 434 OF 2024**  
**(Bhagwat M. Chaudhari Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri H.P. Randhir, learned counsel for the applicant (**Absent**).

Heard Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. On last two occasions learned counsel for the applicant remained absent, though the circulation is sought. The office has raised an objection that the Original Application is time barred in view of the applicant's first representation dated 20.08.2021. Even on very first date i.e. on 01.04.2024 learned counsel for the applicant has sought time to file application for condonation of delay, the applicant and his counsel remained absent thereafter. In view of the same, the Original Application is dismissed in default.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 104 OF 2024**  
**(Vishnu S. Darade Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri Amit Tandulkar, learned counsel holding for Shri Gajanan Kadam, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri H.P. Jadhav, learned counsel for respondent Nos. 3 and 4, are present.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 29.07.2024 for further hearing. Status quo granted earlier to continue till then.

**MEMBER (J)**

**M.A. No. 280/2022 in O.A. St. No. 435/2022**  
**(Vedant V. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that today only the Misc. Application for amendment in O.A. will be filed in the office.

3. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024

**MA 305/2023 in MA 15/2021 in OA St. 1139/2020  
(Chunilal R. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.N. Suryawanshi, learned counsel for the applicant and Shri S.P. Pandit, learned counsel for respondent Nos. 1 to 4, are **absent**.

Shri D.M. Hange, learned Presenting Officer for respondent authorities, is present.

2. As none present for the applicant, S.O. to 03.10.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024

**ORIGINAL APPLICATION NO. 866 OF 2018**  
**(Venkat M. Methe Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri Ajay Deshpande, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. This is old matter of the year 2018.

3. As none present for the applicant, S.O. to 02.08.2024 as a last chance for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 894 OF 2018**  
**(Shivaji B. Satote Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri R.P. Bhumkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 02.08.2024 for final hearing hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 896 OF 2018**  
(Madhukar D. Madarase & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri R.P. Bhumkar, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 02.08.2024 for final hearing.

**MEMBER (J)**

**O.A. Nos. 895/2018, 209/2019, 643/2019,  
696/2019, 96/2021, 127/2021, 551/2021,  
145/2023, 690/2023 & 691/2023**  
(Murlidhar E. Sakhare & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri R.P. Bhumkar, learned counsel for the applicants in all these O.As., Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all these O.As. and Shri A.D. Gadekar, learned counsel for respondent Nos. 2 & 4 in O.A. No. 895/2018, are present.

Shri G.B. Rajale, learned counsel for respondent No. 2 in O.A. No. 643/2019 and Shri S.B. Mene, learned special counsel for respondents in O.A. No. 895/2018 and for respondent Nos. 2 to 4 in O.A. 209/2019, are absent.

2. At the request of learned Presenting Officer, S.O. to 02.08.2024 for final hearing.

**MEMBER (J)**

**O.A. Nos. 165 and 369 both of 2022**  
**(Bhaskar N. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri R.P. Bhumkar, learned counsel for the applicants in both the O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. By consent, S.O. to 29.08.2024 for final hearing.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024

**ORIGINAL APPLICATION NO. 376 OF 2019**  
(Manik T. Takalkar & Ors. Vs. State of Maharashtra & Ors.)  
**WITH**  
**ORIGINAL APPLICATION NO. 122 OF 2018**  
(Ramdas T. Patil Vs. State of Maharashtra & Ors.)  
**WITH**  
**ORIGINAL APPLICATION NO. 558 OF 2018**  
(Ganesh D. Deshpande Vs. State of Maharashtra & Ors.)

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri R.P. Bhumkar, learned counsel for the applicants in all these O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned Presenting Officer, S.O. to 02.08.2024 for final hearing.

**MEMBER (J)**

**M.A. No. 316/2024 in O.A. No. 114/2024**  
**(Gagasagar B. Kokate @ Gangasagar T. Sable Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri M.V. Thorat, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 4 seeks time for the reason that today only he has received copy of the M.A. after appearance in the present matter yesterday.

3. S.O. to 02.08.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 487 OF 2020**  
**(Usha R. Bahirat Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.M. Kamble, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 26.08.2024 for hearing. In case the applicant and his counsel remained absent on the next date of hearing, the interim relief will be vacated.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 17 OF 2022**  
**(Baburao M. Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.S. Tandale, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks time for filing affidavit in reply to the extent of amended prayer. Time granted.
3. S.O. to 21.08.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 292 OF 2023**  
**(Sameer H. Umralkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 09.08.2024 for hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 596 OF 2023**  
**(Bhagwan R. Shewale Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits short affidavit. Same is taken on record and copy thereof is already given to learned Presenting Officer.

3. At the request of learned Presenting Officer, S.O. to 05.08.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 737 OF 2023**  
**(Devidas S. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Shri S.B. Gatol Patil, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits that the instructions are still not received to comply with the directions given by this Tribunal in the earlier order dated 12.07.2024.

3. Learned Presenting Officer is directed if the instructions are received, file the short affidavit to that effect.

4. S.O. to 14.08.2024 for hearing.

**MEMBER (J)**

**Later on :-**

5. Learned counsel for the applicant is present.

6. S.O. to 14.08.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 853 OF 2023**  
**(Swapnil S. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri V.R. Jain, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. At the request of learned counsel for the applicant, S.O. to 29.07.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 790 OF 2023 WITH  
CAVEAT NO. 29/2023  
(Dinesh Chagan Mailagir Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri Bharat Waramaa, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri P.B. Patil, learned counsel for respondent No. 4/Caveator.

2. The present Original Application is hereby allowed. Reasons to follow.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 840 OF 2023**  
**(Sandip Jibhau Shirasath Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.07.2024**

**ORAL ORDER :**

Heard Shri Bharat Waramaa, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.K. Tiwari, learned counsel for respondent No. 4 for some time.

2. During the course of oral submissions, learned counsel for the applicant has pointed out that in terms of clause 9 of the guidelines issued for the recruitment of Police Patil-2023, the marks are given on the basis of educational qualification possessed by each and every candidate. Learned counsel has further pointed out that for example, if the person has possessed degree (Graduation), he would get 07 marks, as against the person who has only possessed 10<sup>th</sup> Std. certificate would get 05 marks.

3. Learned counsel for the applicant submits that in the instant case the applicant and respondent No. 4 both have secured equal marks at the end when

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O.A. No. 840/2023

the final select list was published. Learned counsel submits that in terms of clause 20 of the advertisement dated 13.07.2023, again weightage is given to the candidate, who possesses higher qualification. Learned counsel submits that double weightage is given for the same reason, which is not permissible. Learned counsel thus seeks leave to file proper application to amend the O.A. to challenge the virus of clause 20 (2) of the advertisement dated 13.07.2023. Time granted.

4. S.O. to 19.08.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 26.07.2024