

**M.A. 180/2022 IN M.A. 181/2022 IN O.A. 1074/2019
(Ashok M. Gadekar Died through LRs Kamal A. Gadekar
& Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

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

2. The learned counsel for the applicants submits that the original applicant Ashok s/o Motiram Gadekar died on 10.11.2020, however, this fact was not communicated by the legal heirs of deceased Ashok Gadekar to him and hence he could not take any further step. The learned counsel submitted that, that was COVID-19 pandemic period and that was the reason the legal heirs could not communicate and submit necessary papers to him. The learned counsel, in the circumstances, prayed for allowing the legal heirs of deceased Ashok Motiral Gadekar to prosecute the matter further, since cause of action still survives, by condoning the delay, which has occurred in filing the application.

3. The learned Chief Presenting Officer has submitted for passing the appropriate order.

::-2-::

MA 180/22 IN MA 181/22
IN O.A. 1074/19

4. After having considered the facts as above, we are inclined to allow the present applications. In the result, following order is passed :-

O R D E R

- (i) Both the Misc. Applications are allowed.
- (ii) The delay caused in filing application is condoned and the abatement is set aside.
- (iii) Legal heirs of deceased Ashok Motiram Gadekar be taken on record of O.A. Necessary amendment be carried out within 2 weeks from today.
- (iv) After amendment is carried out, list the Original Application for further consideration four weeks thereafter.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 588/2016

(Dnyaneshwari M. Barse Vs. State of Maharashtra & Ors.)

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

DATE : 27.4.2022

ORAL ORDER :

Shri R.B. Narwade Patil, learned Counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and her learned counsel, S.O. to 4.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 595/2016
(Dhanraj R. Dhumare Vs. State of Maharashtra & Ors.)**

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

DATE : **27.4.2022**

ORAL ORDER :

Shri Bharat B. Warma, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri A.S. Deshmukh, learned counsel for respondent no. 5, are present.

2. In view of absence of applicant and his learned counsel, S.O. to 5.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 629/2016
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 6.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 644/2016
(Ramrao K. Zode Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

S/shri Subhash Chillarge / H.B. Nandagavale, learned Counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present. Shri B.N. Patil, learned counsel for respondent no. 4 and Shri S.S. Panhale, learned counsel for respondent nos. 5 & 6 (**absent**).

2. In view of absence of learned counsel for the applicant, learned counsel for respondent no. 4 and 5 & 6 respectively, S.O. to 7.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 708/2016
(Shri Vivek S. Harale Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri S.S. Deshmukh, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 8.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 443/2018
(Jagannath W. Vispute Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 22.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NOS. 517/2018 AND 47/2019
(Pooja B. Pansare & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri Sandeep Munde, learned Counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.S. Deshmukh, learned counsel for respondent nos. 4 to 7 in O.A. 517/2018, are present. Shri S.C. Arora, learned counsel for respondent no. 4 in O.A. No. 47/2019 (**absent**).

2. With the consent of both the sides, S.O. to 11.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 874/2018
(Shashikant S. Yadav Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 6.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**O.A. NOS. 982 AND 983 BOTH OF 2018
(Shakuntala S. Kapoor & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 17.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 27.4.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 5.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**M.A. 498/2019 O.A. 1959/2019
(Ramrao D. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

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

2. S.O. to 7.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 531/2019

**(Shri Nagnath V. Hatkar & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : **27.4.2022**

ORAL ORDER :

Shri Shamsunder B. Patil, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 30.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 27.4.2022

ORAL ORDER :

Shri S.A. Kulkarni, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 30.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

Date : 27.4.2022

O.A. 388/2022

(Shri Sunil P. Jaybhaye V/s State of Maharashtra & Ors.)

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

1. Shri S.S. Jadhavar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **10.6.2022**. The case be listed for admission hearing on **10.6.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 27.4.2022

O.A. 386/2022

**(Smt. Lata D. DehadeV/s State of Maharashtra &
Ors.)**

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **9.6.2022**. The case be listed for admission hearing on **9.6.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 27.4.2022

O.A. 374/2022

(Shri Vijay D. Dehade V/s State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **9.6.2022**. The case be listed for admission hearing on **9.6.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO. 342/2022
(Devanand L. Bamanpalle Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 345/2022
(Akshay B. Kharat Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 346/2022
(Arjun V. Devkate Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 347/2022
(Jalindar R. Ingle Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 348/2022
(Sagar M. Hindole Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 357/2022
(Arjun K. Jarwal Vs. State of Maharashtra & Ors.)

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

DATE : 27.4.2022

ORAL ORDER :

Heard Shri K.F. Shingare, learned counsel for the applicants in O.A. Nos. 342, 345, 346, 347 & 348 all of 2022, Shri S.B. Solanke, learned counsel for the applicant in O.A. NO. 357/2022 and S/shri M.S. Mahajan, I.S. Thorat, B.S. Deokar, M.P. Gude & Smt. M.S. Patni, learned Chief Presenting Officer & learned Presenting Officers for the respondent authorities in respective matters.

2. Since in all these applications the issues raised are identical and the same relief has been claimed in all these applications, we have heard all these applications together

and deem it appropriate to decide all these applications by this common order.

3. The applicants in all these applications had applied for the post of Armed Police Constable in pursuance of the advertisement dated 30.11.2019 issued by the Additional Director General of Police in that regard. All these applicants have applied for the said post in more than one district. There was stipulation in the advertisement that for one post in one unit not more than one application will be entertained. We deem it appropriate to reproduce Clause 11.10 in the said advertisement as it is in vernacular, which reads as under :-

“११.१०) उमेदवारास (१) जिल्हा पोलीस दलातील पोलीस आयुक्त / पोलीस अधीक्षक यांच्या आस्थापनेवरील पोलीस शिपाई चालक, (२) लोहमार्ग पोलीस दलातील पोलीस शिपाई चालक व (३) राज्य राखीव पोलीस बलातील सशस्त्र पोलीस शिपाई पदासाठी एका अशा एकूण पदांसाठी तीन आवेदन अर्ज सादर करता येतील (**महिला उमेदवारांना राज्य राखीव पोलीस बलातील सशस्त्र पोलीस शिपाई पदासाठी आवेदन अर्ज सादर करता येणार नाही.**)

एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा जास्त अर्ज सादर करता येणार नाहीत. (उदाहरणार्थ :- पोलीस आयुक्त, बृहन्मुंबई यांच्या आस्थापनेवरील पोलीस शिपाई चालक पदासाठी एकापेक्षा जास्त अर्ज भरता येणार नाहीत किंवा राज्य राखीव पोलीस बलातील एकाच गटात सशस्त्र पोलीस शिपाई पदासाठी एकापेक्षा जास्त अर्ज भरता येणार नाहीत). जर एका उमेदवाराने एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा अधिक अर्ज केलेले आहेत असे आढळून आले तर अशा उमेदवारांची उमेदवारी रद्द केली जाईल.

एकाच पदासाठी विविध पोलीस घटकांत आवेदन अर्ज सादर करता येणार नाहीत.”

In spite of aforesaid clause these applicants had admittedly applied for the one and the same post in more than one district and some of the candidates had also appeared for the examination at more than one place.

4. It is the common contention of the applicants in all these matters that the restriction so imposed by the respondents in the advertisement was violative of Constitutional guaranty envisaged under article 19 of the Constitution of India. It is the contention of the applicants that though they might have filled in the application forms at more than one place and also had appeared for examination in more than one districts, and even if any applicant is selected at two places, ultimately he would join only at one place and at the other place where he may not join, the next candidate in order of merit would get the appointment. According to the learned counsel no prejudice is thus likely to be caused to any of the meritorious candidate.

5. The learned counsel submitted that arising out of the same advertisement issued on 30.11.2019 some of the aggrieved candidates have preferred the Original Applications at Principal Bench of the Tribunal at Mumbai, as well as, at Nagpur Bench and the principal Bench at Mumbai, as well as, Nagpur Bench have allowed the applications so filed and have directed the respondents to

consider the applicants in the said Original Applications for their appointments on the post of Police Constable Driver, if they are found otherwise entitled. The order passed by the principal Bench at Mumbai in O.A. No. 144/2022 (Shri Amit Harischandra Daphal Vs. the State of Maharashtra & Ors.) along with other O.As. dated 11.4.2022 is tendered on record by the applicants. Similarly the copy of the order passed by the Nagpur Bench in Civil Application No. 143/2022 in O.A. No. 1114/2021 (Amol s/o Dileep Raut Vs. the State of Maharashtra & Ors.) and other O.As. dated 20.4.2022 is also placed on record by the applicants. The learned counsel for the applicants urged that in view of the orders passed at principal seat at Mumbai and the Nagpur Bench, the present Original Applications, deserve to be allowed since the applicants are similarly placed candidates.

6. The learned C.P.O. appearing for the State authorities has strongly opposed the contentions raised in the present O.As. It is the contention of the learned C.P.O. that all the applicants were fully aware of the condition incorporated in the advertisement and knowing full well and having completely aware of the said restriction, the applicants have participated in the selection process. He submitted that none of the applicant has raised any dispute as about the condition imposed in the advertisement on the basis of

which their candidature has been rejected by the respondent authorities. The learned C.P.O. submitted that when the applicants did participate in the selection process without raising any objection to the condition so incorporated in the advertisement, cannot now turn around and question the method of selection and its outcome. Reliance is also placed by the learned C.P.O. on the decision of the Hon'ble Supreme Court in the case of **Ramesh Chandra Shah and Others Vs. Anil Joshi and Others in Civil Appeal Nos. 2802-2804 of 2013 (arising out of SLP (C) Nos. 30581-30583 of 2012)**. The learned C.P.O. further contended that the applications of the present applicants are liable to be rejected on one more ground that none of them has disclosed the entire facts in their respective O.As. The learned C.P.O. submitted that while filling in the application online for second time, in the form so generated a warning has appeared that if the candidate has filled in an application previously, then it is impermissible to fill or apply second time and if so happens the respondents have every right to reject his candidature. In spite of said warning these applicants have in utter violation of the condition in the advertisement and ignoring the warning have applied for the same post in another District. In the circumstances, according to the learned C.P.O., no illegality or error can be found with the decision taken by

the respondents not to consider the present applicants for their appointment on the subject post.

7. We have carefully considered the submissions advanced by the learned counsel appearing for the respective parties and the learned Chief Presenting Officer appearing for the respondent authorities in all these matters. We have perused the documents placed on record by the parties. Most of the facts are not in dispute. It is not in dispute that clause no. 11.10 incorporated in the advertisement specifically debars the candidates from consideration, who have filed more than one applications and who have appeared at more than one places for written examination. It is also a matter of record that some of the applicants in the present Original Applications have filled in more than one application form and some of the applicants have even appeared for the written examination at more than one places. It is further not in dispute that some of the similarly situated candidates like the present applicants had preferred Original Applications at principal seat of this Tribunal at Mumbai and some at Nagpur Bench. Similar arguments were advanced before the principal Bench at Mumbai that restriction so imposed by incorporating clause 11.10 in the advertisement, the fundamental right under article 19 of the Constitution has been violated.

::-7-::

O.A. NO. 342/2022 & Ors.

8. The order passed by the Nagpur Bench in O.A. No. 22/2022 (Ms. Pushpa Ramkaran Yadav Vs. The State of Maharashtra & 3 Ors.) along with other O.As. dated 31.3.2022 was cited before the principal Bench. While allowing O.A. No. 22/2022 the Nagpur Bench has held that the applicants in those O.As. cannot be held to have incurred disqualification on account of making more than one application for the same post in more than one unit. Nagpur Bench has therefore directed the respondents therein to consider the candidature of such candidates on their own merits and in accordance with law.

9. The principal Bench while allowing the applications filed before it has observed thus :-

“7. In the present case in the advertisement the Respondent office of Additional Director General of Police has disallowed the candidates to apply for the same posts in different units. However, consequence of applying in more than one unit is not mentioned in the advertisement. The Respondent appointing authority has debarred the candidature on the basis of clause 11.10 which is mentioned in the advertisement. It appears that the intention of the Respondent State while including this clause was to avoid duplication of the candidature to facilitate the opportunity to more candidates and to avoid duplication and administrative chaos and to provide opportunity to more candidates. However, if one candidate makes applications in three to four units and appears for the examination at two places and even if they are selected in two places it will not lead to administrative

::-8-::

O.A. NO. 342/2022 & Ors.

chaos because one person cannot take the Government appointments at two different places. Thus he will take up the appointment at only one District and will withdraw from the process in the other unit. This will lead to vacancy of the said selected posts. However that can be filled-up by appointing the candidates from wait list. Thus there would not be duplication of the process. Moreover such restrictions of not allowing the citizens to apply at two to three units or the place of their choice in the State will amount to restricting their fundamental right which is guaranteed under right to freedom and right of taking employment, education on the place of his choice under Article 19 of the Constitution of India. This condition cannot be treated as a reasonable restriction but it is erroneous restriction and therefore we are not inclined to uphold the cancellation of the candidature of these applicants on the ground of submitting applications in different units for the same post and appearing for the examination at more than one place. The person had choice to apply to the post if at all he is eligible. His freedom to choose cannot be restricted by putting any condition, if at all the person is otherwise eligible in respect of all criteria.”

Para 8 in the said order is also relevant, which reads thus :-

“8. The letter dated 28.04.2016 pointed out by the learned Advocate for the Applicant discloses that earlier in the year 2014 the Recruitment of the Police Constable, similar condition was imposed and in the similar manner the C.P. of Nagpur has treated them ineligible and cancelled their candidature. However, the Government by letter dated 17.12.2015 has taken decision for their selection in the Government service and has issued Circular dated 20.04.2016. Their selection was upheld and the letter dated 20.04.2016

is also about giving appointment to those candidates whose candidature was cancelled on account of their applications at more than one unit.”

10. The argument has been advanced in the present matters by the learned Chief Presenting Officer that after having participated in the selection process without raising any objection to the concerned clause in the advertisement, the applicants have now estopped from raising any objection. Similar objection was raised before the Nagpur bench also. However, the same has been turned down by the said Bench. In view of the fact that in the similar set of circumstances the principal Bench at Mumbai and the Nagpur Bench have allowed the Original Applications filed by the similarly situated candidates, the present Original Applications also deserve to be allowed.

11. Since the coordinate Benches have already taken some view in the similar matters and have passed the orders accordingly, we may pass similar orders in the present matters. We, however, wish to add our point of view on some issues, which perhaps were not raised before the said Benches.

12. The applicants were admittedly called upon by the computer system to submit an undertaking that

information submitted by them is correct. The text of undertaking reads as under :-

“Undertaking before logging on to the registration portal –

1. *I have read and understood the Advertisement carefully before filling in the form.*
2. *I have scanned my photograph and signature ready on my desktop confirming to the specified standards as mentioned in the Advertisement.*
3. *I have downloaded the online Advertisement and read it carefully before filling the form.*
4. *I have the details for payment (Credit Card / Debit Card / Internet Banking) available with me for making online payment.*
5. *I agree that my application form will be treated as complete only if I finally submit the application along with the payment of necessary fees.*
6. *I agree to bear the payment gateway additional charges.*
7. *Candidates are advised that, before filling online application, they should first check the vacancy statement of the concerned Unit and category in which they want to apply and should verify that such vacancy exists. Application and candidature of candidates applying to categories which are not available in particular Unit are liable to be rejected at any stage of recruitment. Such candidates will also not be able to claim any refund of the application fees made in such case.*

::-11-::

O.A. NO. 342/2022 & Ors.

8. *I accept to receive messages from MAHA-IT even if my mobile number falls under Opt-in and/or DND (Do Not Disturb) / DNC (Do Not Call) category.*

Before submitting the form – Undertakings

1. *I fulfill the conditions as specified in the eligibility criteria and registration guidelines.*

2. *All the particulars provided by me in this application are true, correct and complete to the best of my knowledge and belief.*

3. *I shall produce all the original documents along with the attested copies as and when required, failing to which I will be considered as blacklisted and debarred.*

4. *In case any particulars given by me in this application are found to be false, incorrect and / or misleading, I shall be liable for being blacklisted or debarred from all further examinations and selection process of the Home Department, District and Railway Police Constable Driver and SRPF armed Police Constable Recruitment-2019.”*

13. As per the text of warning in the form, which appeared on computer screen while applicants were filling in duplicate applications if it is found that duplicate registration was deliberately created, the Department holds a right to disqualify the candidature of the concerned candidate. The text of warning reads as under :-

“Warning : A similar record was found in applicants list. If identified that the duplicate registration was deliberately created, the Departments holds the authority to reject / disqualify the candidate and no refund shall be provided. Please ignore the message and continue your registration if this is your only registration profile.”

14. However, having regard to the orders passed by the principal Bench at Mumbai and at Nagpur Bench, we may not take any different view. We have referred to the above provisions with an intent to express our concern about the candidates, who, followed the condition incorporated in the advertisement and refrained themselves from making more than one application. We feel that care and caution is to be taken to safeguard the interest of such candidates also and preventing occurrence of what may be called as changing rule of game after results are known. We reiterate that we are not taking any contrary view insofar as the final orders passed at principal Bench at Mumbai and Nagpur Bench of this Tribunal in view of judicial propriety and discipline and rule laid down by the Hon'ble Apex Court in the case of **State of Bihar Vs. Kalika Kuer @ Kalika Singh and others, AIR 2003 SC 2443**. In the result following order is passed :-

ORDER

1. All these O.A.s are allowed.
2. The order of cancellation of the candidature of the applicants in the present Original Applications, passed by the respondents, is quashed and set aside. The respondents shall allow the applicants to participate in the further process of selection on their merit.

::-13-::

O.A. NO. 342/2022 & Ors.

3. The applicants, who have been selected in more than one District, shall withdraw their candidature from one District and immediately communicate in that regard to the appropriate authority.
4. The learned C.P.O. shall inform the operative part of the present order to the concerned.
5. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.520 OF 2020
(Mutazabaddin Abdul Waheb Shaikh Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Patni, learned Presenting Officer for the respondents.

2. During the course of arguments it transpires that format of Form 'A' and 'B' in respect of commutation of pension would necessary to be perused for effecting adjudication of this matter.

3. Learned P.O. for the respondents seeks time. Time is granted.

4. The matter is already part heard.

5. S.O. to 06.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.322 OF 2020
(Lilachand H. Patel Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. During the course of arguments learned Advocate for the applicant produced on record status report of the delay condonation application along with criminal appeal filed by the respondents against the order of acquittal of the applicant dated 26.07.2019 in Special (ACB) case No.02 of 2013. It is taken on record and placed at page no.98 of Paper Book.

3. The present matter is closed for order.

MEMBER (J)

ORIGINAL APPLICATION NO.506 OF 2021
(Ranjana A. Barde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter is already part heard.
3. By consent of both the sides, S.O. to 02.05.2022.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.36 OF 2016
(Laxmi S. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Sandeep Mundhe, learned Advocate holding for Shri S.S. Gangakhedkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 10.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.58 OF 2017
(Maruti M. Kakad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. It is already observed in farad sheet order dated 08.02.2022 that the affidavit-in-reply of respondent No.1 would be necessary.

3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.1.

4. S.O. to 15.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.277 OF 2017
(Shaikh Mehboob Abdul kareem Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 30.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.723 OF 2018
(Arjun N. Komare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 10.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.265 OF 2019
(Taher Ali Sayed Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 30.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.427 OF 2019

(Ranjeet S. Savale (Dhangar) Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 04.05.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.531 OF 2020
(Manik D. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 30.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

**M.A.NO.184 OF 2022 IN O.A.NO.66 OF 2021
(Gajendra T. Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.R. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 10.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

**ORIGINAL APPLICATION NO.420 OF 2021
(Raosaheb B. Jangle Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.205 OF 2021
(Ramesh Y. Gunjal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.05.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO.30 OF 2021
(Kedarnath R. Budhwant Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.06.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 549 OF 2019
(Salim B. Tadvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to withdraw the present Original Application.

3. I have no reason to refuse the permission. Hence, permission to withdraw the present O.A. is granted. The O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

**O.A. Nos. 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 837, 838, 839 & 915 all of 2019
(Yogesh B. Sonawane & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Ajit B. Chormal, learned Advocate holding for Shri S.R. Sapkal, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective O.As.

2. Learned Presenting Officer seeks one more last chance for filing affidavit in reply on behalf of respondents in all these O.As.

3. Learned Advocate for the applicants opposed stating that already two last chances were granted to the respondents for filing affidavit in reply. The present matters are pertaining to re-fixation and recovery.

4. In view of above, most last chance is granted to the respondents for filing affidavit in reply in all these O.As., failing which the matters will proceed further in accordance with law.

5. S.O. to 22.06.2022.

MEMBER (J)

O.A. Nos. 1015, 1016, 1017 & 1019 all of 2019
(Sakharam P. Ranbavle & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. Record shows that no rejoinder affidavit is filed by the applicants in all these O.As. in spite of grant of opportunities.

3. In view of the above, S.O. to 22.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 1045 OF 2019
(Sunil P. Pathrikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.06.2022 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 1084 OF 2019
(Ravindra M. Garje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri P.A. Bharat, learned Advocate holding for Shri Dhananjay Mane, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that the affidavit in reply is ready, but it is not in proper format and as such it cannot be filed today. Therefore, she seeks time for filing affidavit in reply. Time is granted as one more last chance for filing affidavit in reply.

3. S.O. to 23.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 87 OF 2020
(Rajendra B. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Ms. Tejal Mankar, learned Advocate holding for Ms. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 23.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 128 OF 2020
(Pandit V. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri M.M. Kadtu, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 23.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 209 OF 2020

(Akhil Ahmed Mukheed Ahmed Kazi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri R.B. Ade, learned Advocate for the applicant **(Absent)**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 6. Shri S.J. Salunke / M.B. Kolpe, learned Advocate for respondent No. 7, **absent**.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 6.

3. S.O. to 23.06.2022.

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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 4.
3. S.O. to 23.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 509 OF 2020

(Dr. Nomani Muhamed Mufti Tahair Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 23.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2020
(Sonaji K. Barhate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 and Shri N.U. Yadav, learned Advocate for respondent Nos. 2 and 3.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 24.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 67 OF 2021
(Prabhakar R. Chincholkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 24.06.2022.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**ORIGINAL APPLICATION NO. 132 OF 2021
(Bhanudas E. Tarte Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri R.N. Bharaswadkar, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 24.06.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 178 OF 2021
(Nandkishor C. Ramdin Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 24.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 316 OF 2021

(Manikarani N. Rankhamb @ Monikarni S. Kande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed short affidavit on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.
3. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.
4. S.O. to 24.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 370 OF 2021
(Jyoti K. Mote Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 24.06.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 379 OF 2021
(Ravindra B. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri N.L. Choudhari, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 27.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 383 OF 2021
(Siddarth Y. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Anup D. Mane, learned Advocate holding for Shri A.M. Hajare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1, 2 & 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 27.06.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 386 OF 2021
(Chandrashekhar R. Chopdar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri Harish Bali, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 27.06.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**ORIGINAL APPLICATION NO. 409 OF 2021
(Govind R. More Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Smt. Priya R. Bharaswadkar, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 27.06.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2021
(Dr. Sunil K. Palhal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 & 2. Shri Pawan K. Ippar / S.S. Shinde, learned Advocate for respondent No. 5, **absent**. None present for respondent Nos. 3 & 4, though duly served.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 2.

3. S.O. to 27.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 583 OF 2021
(Jitendra M. Panje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

4. S.O. to 27.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 584 OF 2021
(Malti A. Kahirkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that already last chance was granted for filing affidavit reply, but no affidavit in reply is filed by the respondents. Perusal of the proceedings would show that the proposal dated 14.10.2020 was submitted by the respondent No. 3 to the respondent No. 2, which is reflected in communication dated 22.10.2020 (Annexure-L) addressed by the respondent No. 3 to respondent No. 2. It is the grievance of the applicant that till today no steps have been taken by the respondent No. 2 in that regard. Moreover, the respondents are not filing affidavit in reply in the matter.

3. In view of the same, at this stage, interim relief in terms of prayer clause 7(a) is granted.

4. In the circumstances, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 21.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 626 OF 2021
(Rajendra B. Telap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply jointly on behalf of respondent Nos. 1 to 3 and separately on behalf of respondent No. 4. Same are taken on record and copies thereof have been served on the other side.

3. S.O. to 21.06.2022 for filing rejoinder affidavit, if any. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 750 OF 2021
(Subhash B. Choudhary Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri A.J. Patil, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 21.06.2022 for admission.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 801 OF 2021
(Shaikh Shoaib Abdul Khadir Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri B.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 21.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 830 OF 2021
(Sanjay V. Pardikar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. At the request of learned Advocate for the applicant, S.O. to 27.06.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 21.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 46 OF 2022
(Adinath A. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 17.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 66 OF 2022
(Nathu N. Khartade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 27.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 99 OF 2022
(Rohit C. Mote Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 27.06.2022.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 267 OF 2022
(Subhash B. Selukar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondent No. 5.

3. As none present for the applicant, S.O. to 27.06.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. No. 89/2019 in O.A. St. No. 43/2019
(Gunaji D. Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Dantal, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. NO. 563/2019 in O.A. St. No. 1421/2019
(Manoj A. Dusane Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri B.G. Deshmukh, learned Advocate holding for Shri S.B. Ghute, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22.06.2022.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. No. 158/2021 in O.A. St. No. 593/2021
(Kishor J. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Shri N.J. Patil, learned Advocate for the applicant
(**Absent**). Heard Shri S.K. Shirse, learned Presenting
Officer for the respondents.

2. At the request of learned Presenting Officer, time
is granted for filing affidavit in reply on behalf of
respondents in M.A.
3. S.O. to 27.06.2022.

MEMBER (J)

**O.A. Nos. 599, 600, 601, 602, 603, 604, 605, 606, 738, 915 all of 2018 and O.A. No. 116/2019
(Vilas R. Mahajan & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Anup D. Mane, learned Advocate holding for Shri A.S. Sawant, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude, learned Presenting Officer for the respondents in all these O.As.

2. At the request of learned Advocate for the applicants, S.O. to 29.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. St. 554/2022 in O.A. No. 44/2020
(State of Maharashtra & Ors. Vs. Asha S. Gaikwad)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri M.P. Gude, learned Presenting Officer for the applicants / respondents in O.A. and Shri K.B. Jadhav, learned Advocate for respondent / applicant in O.A.

2. Learned Advocate for the respondent / applicant in O.A. waives notice.

3. At the request of learned Presenting Officer, S.O. to 06.05.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1082 OF 2019
(Naresh W. Sakpal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri L.V. Sangit, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed sur-rejoinder on behalf of respondent Nos. 2 and 3 to the rejoinder affidavit filed by the applicant.
3. The present matter is closed for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 512 OF 2020
(Subhash L. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri S.C. Bhosle, learned Advocate for the applicant and Shri M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant today collected the copy of the affidavit in reply filed on behalf of respondent Nos. 1 to 3.

3. S.O. to 28.06.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. No. 347/2019 in O.A. St. No. 1444/2019
(Vijaykumar M. Nawale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri V.B. Wagh, learned Advocate for the respondent No. 5.

2. At the request of learned Advocate for the applicant, S.O. to 21.06.2022.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 712 OF 2021

(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 17.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 407 OF 2020
(Dr. Yashwant S. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 27.06.2022 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. No. 204/2021 in O.A. St. 848/2021
(Yogesh G. Salunkhe Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

ORIGINAL APPLICATION NO. 310 OF 2019
(Durgesh M. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri K.B. Bhise, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**M.A. No. 71/2021 in O.A. No. 80/2021
(State of Maharashtra & Ors. Vs. Bhimrao N. Kokate)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 27.04.2022

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants / respondents in O.A. and Shri Shamsunder B. Patil, learned Advocate for the respondent/ applicant in O.A.

2. Record shows that as per the farad sheet order dated 15.12.2021 the learned Presenting Officer was directed to seek further instructions as regards the progress of the matter so far as the Pay Verification Unit is concerned. No such progress report is filed till today.

3. Today learned Presenting Officer placed on record a copy of communication dated 25/26.04.2022 along with other relevant documents received from the office of the Deputy Collector, EGS, Nanded i.e. the respondent No. 5 as regards manner in which the pay was fixed. Said communication is taken on record at page No. 57-A collectively.

4. Learned Advocate for the applicant received copy of the said communication today.

//2//

M.A. 71/2021 in
O.A. 80/2021

5. The applicant is at liberty to respond to the contentions raised in the abovesaid communication dated 25/26.04.2022, if he desires so.
6. S.O. to 06.06.2022.

MEMBER (J)

KPB ORAL ORDERS 27.04.2022

**C.P.NO. 3/2022 IN O.A.NO.80/2021
(Bhimrao N. Kokate Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Heard Shri. Shamsunder B. Patil, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. It is brought to our notice that interim order, disobedience of which is alleged in the present application, is sought to be vacated by the respondents before the Single Bench by filing M.A. and the said M.A. is still under consideration. In the circumstance, the respondents shall either make compliance of the order by the next date or ensure that the M.A. filed by them is finally decided by the Single Bench.

3. S.O. to 30.6.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 523 OF 2020
(Rajkumar G. Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri. Sandeep G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 11.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 480 OF 2020
(Prakash P. Nirmal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri. R.D. Biradar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicants has tendered across the bar affidavit in rejoinder and the same is taken on record and copy thereof has been served on the learned Presenting Officer.

3. S.O. to 13.6.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 15 OF 2022
(Buddhisagar B. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

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

2. It is the case of the applicant that in the selection process carried out in pursuance of the advertisement published on 26.2.2019 for the post of Talathi, the name of the applicant was included in the waiting list of the selected candidates falling in the category of 'OBC' (part time worker). The select list was published on 10.7.2020. It is the further case of the applicant that one of the selected candidates namely Ramesh Namdeo Dorle did not join the said post and, as such, the same post was liable to be filled in from the candidates in the wait list. It is the further contention of the applicant that since he was at Sr. No. 1 in the waiting list, he was entitled for the appointment on the said post. It is the grievance of the applicant that respondent No. 2, the District Collector, Beed, vide order dated 7.12.2021 has illegally rejected his request on the ground that wait list so prepared had lapsed by efflux of time.

3. Learned counsel for the applicant has submitted that the reason as has been assigned in the impugned communication dated 7.12.2021 is erroneous and against the settled principle of law, as well as, the facts. Learned counsel submitted that the candidate in the select list namely Ramesh Namdeo Dorle declined to resume the post, on 7.7.2021. Thereafter, on the same day the learned Collector, Beed (respondent No. 2) has called upon the Tahsildar, Georai to confirm whether the certificate issued by the said office is valid for giving appointment to the applicant from the said quota of part time workers. Learned counsel further submitted that since Tahsildar did not submit the said report within time, in the meanwhile the learned Collector communicated the applicant vide aforesaid letter that waiting list has lapsed and his case cannot be considered for appointment.

4. The learned counsel further submitted that since the vacancy arose on 7.7.2021 the waiting list had become operational from the said date in view of the judgment of Hon'ble Apex Court in the case of **State of Jammu and Kashmir And Others Vs. Satpal (2013) 11 Supreme Court Cases 737.**

5. Learned counsel further submitted that, even otherwise since the communication was issued by the learned Collector on 7.7.2021 in regard to the verification

of the certificate of the present applicant, right has accrued in favour of the applicant. If the said certificate was not submitted in time by the Tahsildar, Georai, no blame can be attributed on the part of the applicant. In the circumstances, the request has been made that the impugned communication be set aside and respondents be directed to consider the case of the present applicant for appointing him on the said vacant post. Learned counsel submits that no fresh recruitment process has been commenced after the year 2019.

6. The respondents have opposed the submissions made on behalf of the applicant. Affidavit in reply on behalf of respondent No. 2 is filed on record. Learned Presenting Officer reiterating the contentions raised in the said affidavit in reply submitted that the select list was prepared on 10.7.2020 and was to remain in force till 9.7.2021 and since till the said date the requirements on the part of the applicant were not fulfilled, the Collector has rightly rejected the candidature of the present applicant. It is further contended that subsequently the Tahsildar had also informed the Collector that relevant documents pertaining to the applicant were not traceable in the said office. According to the learned Presenting Officer, in absence of those documents also the appointment could not have been issued in favour of the

applicant. Learned Presenting Officer in the circumstances has prayed for rejecting the Original Application.

7. We have considered the submissions advanced by the learned counsel for the applicant and the learned Presenting Officer appearing for the respondent authorities. We have perused the documents filed on record.

8. It is not in dispute that the waiting list was published by the respondents on 10.7.2020, wherein the name of the applicant stands at Sr. No. 1 in the category of OBC (part time worker). It is further not in dispute that the candidate duly selected for the post of Talathi namely Ramesh Namdeo Dorle did not join till 7.7.2021. It is further not in dispute that learned Collector on the same date i.e. on 7.7.2021 called upon the Tahsildar, Georai to submit the information as regard to the validity of the certificate produced on record by the applicant claiming the benefit of part time employee. It is the matter of record that without waiting for any reply from the Tahsildar, Georai two days after the issuance of communication dated 7.7.2021 the Collector has held that the waiting list has lapsed and has accordingly communicated to the applicant that his candidature cannot be now considered.

9. The decision of the respondent No. 2 apparently appears unsustainable. In fact, on 7.7.2021 when

respondent No. 2 called upon the Tahsildar, Georai, to submit the verification report of the documents pertaining to the eligibility of the applicant, the right must be held to have accrued in favour of the applicant on the said date to receive the appointment on the subject post being No.1 wait list candidate. Even if the contention of respondent No. 2 that life of the waiting list was only for one year and thus, the said waiting list was to expire on 9.7.2021, is accepted insofar as the candidature of the applicant is concerned, the operation of the said waiting list has commenced on 7.7.2021 i.e. before expiry of the said period of one year. No blame can be attributed on the part of the applicant, if the Tahsildar, Georai has committed delay in submitting report as was called by the learned District Collector, Beed. In the circumstances, the reason assigned by respondent No. 2 for not considering the candidature of the applicant for the reason that the waiting list has lapsed, cannot be sustained.

10. Secondly, as has been held by the Hon'ble Apex Court in the case of **State of Jammu and Kashmir And Others Vs. Satpal (2013) 11 Supreme Court Cases 737**, relied upon by the learned counsel for the applicant "wait list starts to operate only after vacancies for which recruitment process was conducted are filled." In the said matter, the Hon'ble Apex Court has further observed that, validity of wait list needs to be determined from the date of

arising of any vacancy because of non-joining of any selected candidates. The date on which vacancy arose is held the relevant date by the Hon'ble Apex Court. In the present matter, the vacancy arose on 7.7.2021. As held by the Hon'ble Apex Court for computing the period of one year the said date will be relevant and thus life of the waiting list would expire one year thereafter i.e. on 7.7.2022. In the circumstances, respondent No. 2 could not have rejected the request of the applicant on the ground that waiting list has lapsed by efflux of time.

11. After having considered the undisputed facts in the present matter we have no doubt in our mind that the reason assigned by respondent No. 2 in declining the claim of the applicant for appointment out of the waiting list is clearly unjustified. The waiting list would start to operate only after the posts for which the recruitment is conducted, have been completed. The waiting list would commence to operate when offers of appointment have been issued to those emerging in top of the merit list. As held by the Hon'ble Apex Court the existence of waiting list allows room to the appointing authority to fill up vacancies which arise during the subsistence of the waiting list and the waiting list commences to operate after vacancies for which the recruitment process has been conducted have been filled up. In the instant matter, the posts were not filled in for which recruitment process was conducted. The selected

candidate declined to join on 7.7.2021, because of which the vacancy was created. The waiting list, therefore, commences to operate thereafter. We reiterate that on 7.7.2021 itself the waiting list has become operational. If Tahsildar did not submit required report within time the applicant cannot be penalized for the same.

12. The respondents have included the name of the applicant at Sr. No. 1 in the waiting list after being satisfied about his eligibility for to be appointed on the said post. Therefore, there may not be any hurdle in offering the appointment in favour of the applicant.

13. For the reasons recorded as above we are inclined to allow the present application. Hence, the following order: -

ORDER

The respondents shall consider the candidature of the applicant for appointment on the post of Talathi meant for OBC (part time worker) within four weeks from the date of this order.

(ii) The Original Application thus stands allowed in the aforesaid terms. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 485 OF 2021
(Amol Jalindar Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Smt. S.D. Tambat-Dhumal, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4, Shri Sanjay Wakure, learned counsel for respondent No. 5 and Shri A.B. Chalak, learned counsel for respondent No. 6, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 2 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

**C.P.NO. 17/2019 IN O.A.NO. 735/2017
(Rita P. Metrewar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri. Adinath B. Jagtap, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

C.P.NO. 46/2018 IN O.A.NO. 207/2015
(Balika D. Tawshikar Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri. Shaikh Mazhar A. Jahagirdar, learned counsel for the applicant (**absent**). Shri A.B. Jagtap, learned counsel holding for Shri Jivan J. Patil, learned counsel for respondent Nos. 1 & 2, is present.

2. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**ORIGINAL APPLICATION NO. 944 OF 2021
(Dr. Anita A. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri. Shamsunder B. Patil, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 9.6.2022.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 78/2018 IN O.A.NO. 417/2018
(Chhagan B. Chavan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri. Sujeet D. Joshi, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 6.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**ORIGINAL APPLICATION NO. 743 OF 2021
(Ashish S. Susare Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri. S.P. Salgar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 30.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 941 OF 2019
(Dr. Shukracharya G. Dudhal Vs. State of Maha. & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri. A.U. Aute, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has again sought time for filing written notes of arguments. Time is granted by way of last chance.

3. S.O. to 2.5.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 190 OF 2017
(Dattatraya J. Zombade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri. Shamsunder B. Patil, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 1.7.2022.

MEMBER (A)

VICE CHAIRMAN

**O.A.NOS. 122/2012 & 123/2012
WITH
T.A.NO. 02/2012 (W.P.NO. 9902/2011)
(Jalindar K. Rathod, Datta K. Darade & Radha Choure Vs.
State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri. S.S. Jadhavar, learned counsel for the applicants in O.A. Nos. 122 & 123 both of 2012 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

Shri A.L. Tikle, learned counsel for the applicant in T.A. No. 2/2012 (W.P. No. 9902/2011), is **absent**.

2. S.O. to 2.5.2022. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

C.P.NO. 14/2022 IN O.A.NO. 367/2019
(Arvind D. Sulakhe Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri. R.B. Ade, learned counsel for the applicant
(absent). Shri V.R. Bhumkar, learned Presenting Officer
for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to
6.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

ORIGINAL APPLICATION NO. 373 OF 2022
(Dr. Vandana P. Sonone Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 13.6.2022.

MEMBER (A)

VICE CHAIRMAN

**O.A.NOS. 966, 967, 968, 969, 970, 971, 972, 974, 975,
976, 977, 978, 979 ALL OF 2019 & 537/2020
(Prakash V. Deshpande & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 5 & 6 in O.A. No. 975/2019 & 537/2020 respectively, are present.

2. Learned Chief Presenting Officer has sought some more time to file affidavit in reply. The request is opposed by the learned counsel for the applicant. In the interest of justice, time is granted by way of last chance.

3. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 445 TO 447, 449 TO 459, 494, 113, 114 ALL OF 2017, M.A.NO. 325/2017 IN O.A.ST.NO. 941/2017, M.A. 36/2019 IN M.A.ST.82/2019 IN O.A.ST.83/2019 AND M.A. 144/19 IN O.A.ST.400/19

(Marathwada Van Va Samajik Vanikaran Rojandari Va Kayam Kamgar Karmachari Va Sarva Shramik Sanghatana, Beed & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.4.2022

ORAL ORDER :

S/Shri A.R. Lukhe, learned counsel holding for A.S. Shelke, S.S. Shinde & V.G. Pingle, learned counsel for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

2. In the present matters ample opportunities are availed by the respondents for filing sur-rejoinder. However, till today sur-rejoinder has not been filed. List the matters for final hearing on 7.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**M.A.NO.41/2021 WITH M.A.ST.NO.89/2021 WITH
M.A.ST.NO.90/2021 IN O.A.ST.NO.91/2021
M.A.NO.42/2021 WITH M.A.ST.NO.66/2021 WITH
M.A.ST.NO.67/2021 IN O.A.ST.NO.68/2021
M.A.NO.65/2021 WITH M.A.ST.NO.271/2021 WITH
M.A.ST.NO.272/2021 IN O.A.ST.NO.274/2021
M.A.NO.92/2021 WITH M.A.ST.NO.244/2021 WITH
M.A.ST.NO.245/2021 IN O.A.ST.NO.241/2021
M.A.NO.93/2021 WITH M.A.ST.NO.248/2021 WITH
M.A.ST.NO.249/2021 IN O.A.ST.NO.246/2021
(Marathwada Van Va Samaji Vanikaran Rojandari Va Kayam
Kamgar Karmachari Va Sarva Shramik Sanghatana through
its General Secretary Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri A.S.Shelke, learned Advocate for the applicant Sanghatana, S/Shri I.S. Thorat, M.P. Gude, S.K. Shirse & Smt. M.S. Patni, learned Presenting Officers for the respondents in respective cases, are present.

2. Learned Presenting Officers have sought time for filing affidavit in reply in all these cases. Time granted.

3. S.O. to 07.07.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 226 OF 2020
(Haridas R. Ghuge Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 1.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 228 OF 2020
(Santosh D. Dhongde Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri Abhishek R. Avchat, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 1.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 199 OF 2022
(Narendra H. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer submits that within a week affidavit in reply will be filed. On such submission the time is granted by way of last chance. Copy of the reply be provided to the learned counsel for the applicant in advance, so that if possible on the next date the matter can be heard.

3. S.O. to 4.5.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 504 OF 2020
(Dr. Anita A. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 9.6.2022.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO. 42/2022 IN O.A.ST.NO. 1695/2021
(Dr. Shivaji G. Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 9.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**ORIGINAL APPLICATION NO. 556 OF 2020
(Umakant L. Bedse Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpand, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 12 OF 2021
(Sadat Begum Arifoddin Siddique Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri M.S. Choudhary, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 55 OF 2021
(Arvind S. Bhavar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri P.S. Anerao, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 5.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 101 OF 2021
(Dhansing B. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri S.D. Dhongde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 5.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 500 OF 2021
(Swapnil S. Jagtap Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3, are present. Shri Avinash K. Shejwal, learned counsel for respondent No. 4 (**absent**).

2. S.O. to 5.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 572 OF 2021
(Babasaheb E. Jakate Vs. State of Maharashtra & Ors.)**

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

DATE : **27.4.2022**

ORAL ORDER :

Shri V.M. Maney, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 6.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 607 OF 2021
(Sachin K. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri Pushpak U. Gujrathi, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 6.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 88 OF 2022
(Rani H. Konar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri Ajay T. Kanwade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 5, are present. None appears for respondent No. 5.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 6.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 106 OF 2022
(Munni P. Mohd. Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri V.B. Dhage, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 7.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 143 OF 2022
(Dr. Amol K. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 7.7.2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION ST.NO. 198 OF 2022
(Yogiraj V. Kedar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 209 OF 2022
(Renuka V. Saudagar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 8.7.2022.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO. 1/2021 IN O.A.ST.NO. 1443/2020
(Ranabai G. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 1.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

M.A.NO. 29/2022 IN O.A.ST.NO. 11/2022
(Yeshwant M. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 1.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**M.A.NO. 52/2022 IN O.A.ST.NO.1561/2021
(Syed Imran Ahmed Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

M.A.NO. 69/2022 IN O.A.ST.NO. 43/2022
(Bhausahab P. Tidke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **27.4.2022**

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**M.A.NO. 142/2022 IN O.A.ST.NO. 562/2022
(Rajratan S. Ippalwad Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Ms. Megha Mali, learned counsel holding for Shri S.K. Mathpathi, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 4.7.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD

**M.A.NO. 104/2020 IN O.A.ST.NO. 2118/2019
(Bhaurao M. Ghane Vs. State of Maharashtra & Ors.)**

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

DATE : 27.4.2022

ORAL ORDER :

Heard Shri. Ajay T. Kanawade, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. When the present matter is taken up for consideration it is revealed that the service of the applicant has been terminated on the ground that he failed to produce on record Caste Validity Certificate. As has been submitted by the learned counsel appearing for the applicant that the request of the applicant for validity of caste has not been considered, since such request has not made through proper channel. If this would be the fact that the applicant was appointed by giving benefit of his caste then the office of the applicant was under an obligation to forward the proposal of the applicant for validity of his caste. No such document is placed on record. Learned counsel submits that according to the information of the applicant, no such proposal was ever forwarded. It is the further contention of the learned

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**M.A. 104/20 IN
O.A.ST. 2118/19**

counsel that when initially the applicant was appointed he was not given any benefit of the caste.

3. From the material on record it appears that the applicant entered into Government service in the year 1985 and his services have been terminated in the year 2015. He has thus rendered 30 years period in the Government service. Having considered the aforesaid aspect we deem it appropriate to direct the respondent Nos. 3 to 5 to forward the caste certificate of the applicant for its validation to the Scheduled Tribe Caste Scrutiny Committee, Nasik within two weeks, even though the applicant is no more on their establishment.

4. S.O. to 6.6.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 27.4.2022-HDD