

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p data-bbox="802 319 1024 350">Date: 28.12.2023</p> <p data-bbox="1019 396 1305 427">O.A. No.1576 of 2023</p> <p data-bbox="797 473 1523 587"> <b>S.V. Kadam,</b> .....Applicant  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors.</b> .....Respondents. </p> <ol style="list-style-type: none"> <li data-bbox="797 672 1523 793">1. Heard Shri M.V. Thorat, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</li> <li data-bbox="797 852 1523 1154">2. Learned Advocate for the Applicant states that the Applicant is working as 'Police Patil' at 'Village Nalbandwadi, District Solapur' under the jurisdiction of 'Sub Divisional Officer, Pandharpur, District Solapur'. The Applicant is serving on the post of 'Police Patil' at 'Village Nalbandwadi, District Solapur' temporarily for last 17 years.</li> <li data-bbox="797 1213 1523 1419">3. Learned Advocate for the Applicant also states that several other 'Police Patil' who were similarly placed like Applicant have been given appointment for 5 years by 'Sub Divisional Officer, Pandharpur, District Solapur'.</li> <li data-bbox="797 1478 1523 1684">4. Learned Advocate for the Applicant thereupon states that he would like to add 'Divisional Commissioner, Pune' as 'Respondent'. Leave to forthwith amend array of Respondent is granted to learned Advocate for the Applicant.</li> <li data-bbox="797 1743 1523 2405">5. The 'Sub Divisional Officer, Pandharpur, District Solapur' had issued 'Advertisement' for 'Direct Appointment' of 'Police Patil' on 20.09.2023. The Applicant had applied on 01.09.2023 to 'Sub Divisional Officer, Pandharpur, District Solapur' to appoint him for 5 years on the post of 'Police Patil' at 'Village Nalbandwadi, District Solapur' just before the 'Advertisement' was published by 'Sub Divisional Officer, Pandharpur, District Solapur' on 20.09.2023. However, 'Sub Divisional Officer, Pandharpur, District Solapur' by Order dated 16.09.2023 rejected the application of Applicant on the ground that he did not full-fill the condition under 'Para 4(a)' of 'Maharashtra Village Police Patil (Recruitment, Pay, Allowances and Other Conditions of Service) Order, 1968'.</li> </ol>

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	<p>6. The 'Maharashtra Village Police Patil (Recruitment, Pay, Allowances and Other Conditions of Service) Order, 1968' provides for 'Appeal' in matters relating to 'Appointment/ Selection/ Temporarily Appointment' etc. for posts of 'Police Patil'. The 'Appeal' thus lie with 'Divisional Commissioners'. Hence, the Applicant should have moved 'Divisional Commissioner' of 'Pune Division' in 'Appeal' against the order passed by 'Sub Divisional Officer, Pandharpur, District Solapur' on 16.09.2023 rejecting his claim to be appointed for 5 years on post of 'Police Patil' at 'Village Nalbandwadi, District Solapur'.</p> <p>7. The office objections, if any, are to be removed and court fees to be paid, if not already paid.</p> <p>8. Issue notice before admission returnable on 04.01.2024.</p> <p>9. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.</p> <p>10. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.</p> <p>11. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.</p> <p>12. In case notice is not collected within <u>seven</u> days or service report on affidavit is not filed <u>three</u> days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "<u>for Dismissal</u>" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.</p> <p>13. S.O. to 04.01.2024.</p> <p style="text-align: right;">Sd/- (Debashish Chakrabarty) Member (A)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

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

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Original Application No. \_\_\_\_\_ of 20 \_\_\_\_\_

**FARAD CONTINUATION SHEET No.**

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 28.12.2023</p> <p align="center"><b>O.A. No.1618 of 2023</b></p> <p><b>D.M. Kokare, .....Applicant</b>  <b>Versus</b>  <b>The State of Maharashtra &amp; Ors. ....Respondents.</b></p> <p>1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant through Video-Conference and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant states that the Applicant has been transferred from the post of 'Range Forest Officer (Territorial) Malshiras, Solapur Forest Division, District Solapur' to the post of 'Range Forest Officer, (Social Forestry) Indapur, Social Forestry Division; District Pune' by 'Transfer Order' dated 25.11.2023 of 'Chief Conservator of Forest (Territorial), Pune' and subsequently has been relieved on 04.12.2023 by order of 'Deputy Conservator of Forest, Solapur Sub Division, District Solapur'.</p> <p>3. Learned P.O. states that the orders have been issued by observing due procedure by invoking provisions of Section 4(4)(ii) and Section 4(5) of the 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.</p> <p>4. The 'Transfer Order' of 'Chief Conservator of Forest (Territorial), Pune' dated 24.11.2023 gives reference to the letter of 'Additional Principal Chief Conservator of Forest (Administration - Sub ordinate Cadres), Nagpur'</p>

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dated 24.11.2023. Therefore it would be necessary to peruse this letter of 'Additional Principal Chief Conservator of Forest (Administration - Sub ordinate Cadres), Nagpur' dated 24.11.2023. Learned C.P.O. is accordingly informed to obtain its copy and also produce 'File Notings'. In the meanwhile, 'Additional Principal Chief Conservator of Forest (Administration - Sub ordinate Cadres), Nagpur' is directed not to initiate any action to fill up the post of 'Range Forest Officer (Territorial) Malshiras, Solapur Forest Division, District Solapur' till the 'Next Date'; if not done till 28<sup>th</sup> December 2023.

5. The office objections, if any, are to be removed and court fees to be paid, if not already paid.

6. Issue notice before admission returnable on 03.01.2024.

7. 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 O.A. Private service is allowed. Respondents are put to notice that the case may be taken up for final disposal at the stage of admission hearing.

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

9. By Hand delivery, speed post, courier notice to be served and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within seven days or service report on affidavit is not filed three days before returnable date, the Original / Miscellaneous Applications shall be placed on board before the concerned Benches under the caption "for Dismissal" and thereafter on the subsequent date the Original / Miscellaneous Applications shall stand dismissed.

11. S.O. to 03.01.2024.

Sd/-  
(Debashish Chakrabarty)  
Member (A)

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MUMBAI**

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	<b><u>O.A.1568/2023</u></b>
	<p><b>Dr. A.D. Ghule &amp; Ors. ... Applicants</b> <b>Vs.</b> <b>The State of Mah. &amp; Ors. ... Respondents</b></p> <p>1. Heard Smt. A.P. Madhuri, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned PO holding for Ms. S.P. Manchekar, learned CPO for Respondents.</p> <p>2. The learned Advocate for the Applicants seeks directions to be given to Respondent No.3 which is MPSC; to incorporate the criteria of Transfusion Medicine Department and include Posts of Professors, Assistant Professors, Blood Transfusion Officers in Advertisement No.135/2023 to 262/2023, dated 05.12.2023.</p> <p>3. The learned Advocate for the Applicants in support of her contentions refers to 'Para 8' of The Post-graduate Medical Education Regulations, 2000', which is as under :-</p> <p style="padding-left: 40px;">"The existing/new Medical Colleges should mandatorily have the department of Blood Bank with component of Blood Separation Unit and Transfusion Medicine."</p> <p>4. The learned Advocate for the Applicants further states that Applicants had been repeatedly making representations to the concerned authorities of Medical Education and Drugs Department and DMER to include Transfusion Medicine Department in existing/new Medical Colleges. The learned Advocate for the Applicant also produces the 'Guidelines for Competency Based Postgraduate Training Programme for MD in Immunohematology and Blood Transfusion' published on 01.11.2022 by the 'Post Graduate Education Board' under 'National Medical Commission'.</p>

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5. The learned CPO based on information from officers of the Medical Education & Drugs Department refers to Notification dated 16.08.2023, which is of Undergraduate Medical Education Board under 'National Medical Commission' wherein in Chapter-1, the names of 21 departments which are mandatorily to be included in every Medical Colleges which carry out teaching of Undergraduate Medical Courses have been mentioned. Learned CPO states that name of 21 departments does not include Transfusion Medicine. She also refers Schedule 1-Para B(10) under the caption of 'Blood Bank' wherein it is mentioned as under :-

'The Blood Transfusion Services should be under the Administrative Control of the teaching Department of Pathology of the Medical Colleges when there is no separate Department of Transfusion Medicine'.

6. The learned CPO also mentions about the ongoing Public Interest Litigation bearing Stamp No.16 of 2021 with Sou Motu Public Litigation No.1 of 2023 in Hon'ble High Court of Judicature at Bombay, wherein directions have been given about filling-up of vacancies in the Public Health Department and Medical Education and Drugs Department expeditiously by MPSC.

7. Learned Advocate for the Applicants then stated that Advertisement No.135/2023 to 262/2023 which was published by MPSC on 05.12.2023 is for recruitment of Assistant Professors Group-B in 6 New Medical Colleges at Dharashiv, Alibagh, Sindhudurg, Nandurbar, Parbhani and Satara and includes 55 posts under 'Pathology'. However, these 55 posts of Assistant Professors are not for those who have specialized as MD in 'Immunohematology and Blood Transfusion'. She also stated that Applicants are not in a position to apply for the post of Assistant Professors Group-B for 'Pathology' because required Education Qualifications specified are 'MD Pathology/P.Hd Pathology/D.Sc Pathology/DNB' and does not include 'MD in Immunohematology and Blood Transfusion'.

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8. Learned CPO thereupon informs that on account of Service Rules being still under preparation at the level of Medical Education & Drugs Department and DMER and because Transfusion Medicine Department is not amongst the 21 departments which are mandatorily to be included in every Medical Colleges which carry out teaching of Undergraduate Medical Courses, no 'Interim Relief' can be granted to the Applicants.

9. The learned Advocate for the Applicants seeks inclusion in the Advertisement No. 135/2023 to 262/2023 of MPSC of criteria of Transfusion Medicine Department and recruitment for Posts of Professors, Assistant Professors, Blood Transfusion Officers which can only be done by Medical Education and Drugs Department. However, as no such directions can be issued under 'Section 15' of the 'Administrative Tribunals Act 1985' to Medical Education and Drugs Department which is 'Suo-moto' expected to implement the 'Guidelines for Competency Based Postgraduate Training Programme for MD in Immunohematology and Blood Transfusion' issued on 01.11.2023 by Post Graduate Medical Education Board under National Medical Commission along with 'The Post-graduate Medical Education Regulations, 2000', no 'Interim Relief' can be granted to the Applicants.

10. S.O. to 15<sup>th</sup> January, 2024.

Sd/-

(Debashish Chakrabarty)  
Member-A  
28.12.2023

(skw)