

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

29.05.2018

O.A No 480/2018

Shri N.N Rewadekar ... Applicant
Vs.
The State of Maharashtra & Ors... Respondents

1. Heard Shri M.D Lonkar, learned advocate for the applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents
2. Issue notice returnable on 2.7.2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
4. Applicants are authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. 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 within one week. Applicants are directed to file affidavit of compliance and notice.
7. In case notice is not collected within 7 days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference and papers be consigned to record.
8. Applicant is retiring on 31.5.2018 and wants to change his date of birth. Applicant has made no efforts to rectify his date of birth prior to April, 2018.
9. No interim relief is granted.
10. S.O to 2.7.2018.

Sd/-

(P.N Dixit)
Member (A)

Akn

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./B.A./C.A. No. of 20

IN

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><u>29.05.2018</u></p> <p><u>O.A No 110/2018</u></p> <p>Ms Meena B. Sonawane ... Applicant Vs. The State of Maharashtra & Ors... Respondents</p> <p>1. Heard Shri ketan Dabke, holding for Shri Rajendra Sorankar, learned advocate for the applicant and Ms Savita Suryvanshi, learned Presenting Officer for the Respondents.</p> <p>2. Learned advocate for applicant is challenging communication from Respondent no. 1, marked as Exh. 'X' for identification.</p> <p>3. Respondent no. 1 states names of experts at C-81 & C-99 cannot be disclosed as per judgment of Hon. Supreme Court in Bihar Public Service Commission Vs. Saiyed Hussain Abbas Rizwi & Anr, arising out of SLP (C) No. 20217/2011 (Civil Appeal No. 9052/2012).</p> <p>4. As far as other pages are concerned, barring personal details of the candidates, Respondent no. 1 has no difficulty in providing those pages along with notings about their experience as calculated. This has already been inspected by the learned advocate for applicant.</p> <p>5. Accordingly, Respondent no. 1 is directed to provide page nos (i) C-276 - C-277, (ii) C-284- C-285 and (iii) C-294 - C-295, to the applicant, except their personal details.</p> <p>6. S.O to 4.6.2018. Hamdast and Steno copy is granted. Learned P.O is directed to communicate this order to the Respondents.</p> <p style="text-align: right;">Sd/- (P.N'Dixit) Member (A)</p> <p>Akn</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 463 OF 2018

DISTRICT : PUNE

Ms Karande Vaishali Ganpat)...**Applicant**

Versus

The State of Maharashtra & Ors)...**Respondents**

Shri P.S Pathak, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri P.N Dixit (Member) (A)

DATE : 29.5.2018

ORDER

1. Heard Shri P.S Pathak, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.
2. Issue notice returnable on 15th June, 2018.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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 within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case, notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. Heard on Interim Relief.

9. Applicant is disabled and has been reinstated from suspension, as her explanation is accepted. But impugned order dated 13.4.2018, Exh. A, page 12 transfers her to Akola.

10. Respondent no. 2 is directed to consider her representation for transfer to any place near Pune by 15th June, 2018.

11. Till then, impugned order dated 18.5.2018, at Exh.B, page 13 of O.A issuing show cause notice for not joining should not be acted upon.

12. O.A stands adjourned to 15.6.2018. Hamdast and steno copy is granted. Learned P.O is directed to communicate this order to the Respondents.

Sd/-
(P.N Dixit)
Member (A)

Place : Mumbai
Date : 29.05.2018
Dictation taken by : A.K. Nair.

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5.18.doc

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 476 OF 2018

DISTRICT : PUNE/AHMEDNAGAR/NANDURBAR/NASIK

1. Dr Vandana P. Sonone)
2. Dr Ashokkumar M. Karale)
3. Dr. Amit Balkrishna Gosavi)
4. Dr. Yogita R. Gosavi)
5. Dr. Nilesh D. Jejurkar)
6. Dr Jaysingh J. Ingale)
7. Dr. Jayant B. Joshi.)...**Applicant**

Versus

1. The State of Maharashtra & Ors)...**Respondents**

Shri V.B Wagh, learned advocate for the Applicant.

Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri P.N Dixit (Member) (A)

DATE : 29.5.2018

ORDER

1. Heard Shri V.B Wagh, learned advocate for the Applicant.
Smt Kranti S. Gaikwad, learned Presenting Officer for the Respondents.

2. By this application, the applicants along with seven others who are permitted to sue jointly by M.A 269/2018 claim that they are in possession of M.B.B.S degree and Diploma in Psychological Medicine from the College of Physician and Surgeon, Mumbai, prior to December, 2009.

3. It is the contention of the learned advocate for the applicants that all the applicants who are working as Medical Officers in Government of Maharashtra in various Mental Hospitals and Civil Hospitals have been working as Specialists in Psychiatry treatment.

4. Respondents no 1 & 2 (M.P.S.C) have issued an advertisement on 5.5.2017 for 20 posts of (Psychiatry, Maharashtra Medical & Health Service, Group-A). In this advertisement, clause 4.7 states about qualification and experience as under:-

“4.7.2 M.D (Psychiatry) or M.D (Medicine) with D.P.M or post graduate Diploma in Psychological Medicine (D.P.M) or a qualification accepted as equivalent by the Medical Council of India,”

5. In response to the same, M.P.S.C has received 56 applications. Out of these 56 applications, M.P.S.C has declared 32 candidates eligible and 24 were declared ineligible, (as available at Annexure A-3, page 55 of O.A). Out of these 24 candidates, applicants at Serial Nos 1, 2, 3, 5, 6, 7 & 8 have been considered as not eligible for the reason “do not possess the required qualification as per para 4.7.2 of the advertisement, hence prima facie not eligible.

6. Respondent no. 2, M.P.S.C have communicated to the applicants that the State Government, vide its letter dated

18.12.2017 have informed that "Diploma in Psychological Medicine (DPM) shall be recognized medical qualification when granted by college of Physicians and Surgeons, Mumbai on or after December, 2009."

7. From the above, Respondent no. 2 has underlined that the Diploma in Psychological Medicine (DPM) shall be recognized medical qualification when granted by college of Physicians and Surgeons, Mumbai only after December, 2009. As applicants have completed this particular Diploma prior to December, 2009, they are not considered as eligible and hence their applications have been rejected. This particular communication is dated 25.5.2018.

8. Significantly, the advertisement has been issued on 5.5.2017, while the clarification issued by the State Government is dated 18.12.2017. Thus prima facie, while issuing the advertisement neither the Respondent no. 1 nor Respondent no.2 had any idea of debarring these candidates who have the Diploma in Psychological Medicine (DPM). Moreover, as per the rules framed by Respondent no. 2 for filling up one post, it is imperative to consider three candidates, with a view to look for talented persons and not eliminate those who are having the necessary expertise.

9. In view of the foregoing, it appears that the rejection of applicants' candidature, prima facie does not satisfy the test of reasoning and is a clarification subsequent to advertisement. Hence, pending final hearing, interim relief in terms of prayer clause 23 is granted. All the seven applicants should be allowed to participate in the process of viva test ending on 30th May, 2018 for the post of Psychiatrist, Maharashtra Medical and Health Science (Group).

10. The results so far as the seven applicants are concerned, will be subject to the final outcome of this Original Application.

11. S.O to 29.6.2018.

12. Hamdast and Steno copy is granted. Learned P.O is directed to communicate this order to the Respondents.

Sd/-

(P.N Dixit)
Member (A)

Place : Mumbai

Date : 29.05.2018

Dictation taken by : A.K. Nair.

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Date : 29.05.2018. Tribunal's orders
O.A.No.477 of 2018

A.G. Patil ...Applicant.

Versus

The State of Maharashtra & Ors.Respondents.

1. Heard Smt. Punam Mahajan, the learned Advocate for the Applicant and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.

2. Impugned order at Annexure – A6, page18 states the Applicant is transferred to Yavatmal as per his request. However, as per instructions from officer, Shri P.T. More, Senior Clerk, D.G.P. Office, from Respondent No.2, no request is on record from the Applicant. Applicant also states he has made no request. Hence, the impugned order is stayed in respect of the Applicant.

3. Respondent No.1 to file reply in four weeks. Issue notice to the Respondents.

4. Issue notice before admission returnable on 28.06.2018.

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

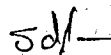
6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within three days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. S.O. to 28.06.2018.


(P.N. Dixit)
Member(A)