

ORIGINAL APPLICATION NO.288/2022

(Dr. Maya d/o. Sukhadevrao Kapse Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Shri Onkar Gholap, learned Advocate holding for Shri S.D.Joshi, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. Learned Counsel for the applicant submits that the purpose of filing the present O.A. has been fulfilled. He has tendered across the bar merit list of Revised Combined Provisional State Merit List of NEET PG-2021 for Maharashtra dated 29-03-2022. In view of this situation, learned Counsel submits that O.A. may be disposed of.

3. In view of the submission so made following order is passed:

ORDER

O.A. stands disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)

**T.A.NO.01/2018 IN W.P.NO.15249/2017
(Chanda Hingole Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri Onkar Gholap, learned Advocate holding for Shri S.D.Joshi, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 08-04-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.206/2021 IN O.A.ST.NO.608/2021
(Nitin Baviskar Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 05-05-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.799/2021
(Shirish Yadav Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri Jiwan J. Patil, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned CPO, **S.O. to 05-05-2022**, as a last chance for filing affidavit in reply on behalf of the respondents.

3. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDERS 05.04.2022

MEMBER (J)

ORIGINAL APPLICATION NO.222/2022
(Annasaheb Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Shri Jiwan J. Patil, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned CPO, S.O. to **07-04-2022**.

High on Board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.553/2021
(Sunayana Suryavanshi Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri R.L.Ade, learned Advocate holding for Shri A.A.Nimbalkar, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 07-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.654/2021
(Madnesh A Mudiraj Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Ku. P.S.Gondhalekar, 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. S.O. tomorrow i.e. 06-04-2022. Part Heard.

MEMBER (A)

MEMBER (J)

**M.A.NO.123/2019 IN C.P.ST.NO.302/2019 IN
O.A.NO.256/2011
(Jay Patole Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri A.D.Gadekar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 13-06-2022.

MEMBER (A)

MEMBER (J)

M.A.NO.579/2019 IN O.A.NO.871/2018
(State of Maharashtra & Ors. Vs. Dr. Chandrakant Shete)

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

DATE : 05.04.2022

ORAL ORDER :

Shri M.S.Mahajan, learned Chief Presenting Officer for the applicants in M.A. (Original Respondents) is present.

Shri K.M.Nagarkar, learned Advocate for the respondent (Original Applicant) is **absent**.

2. S.O. to 14-06-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.103/2020 IN O.A.ST.NO.146/2020
(Ramchandra Palmate Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri V.P.Golewar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 06-05-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 05.04.2022

**M.A.NO.206/2021 IN O.A.ST.NO.608/2021
(Nitin M. Baviskar Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 05-05-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 05.04.2022

M.A.NO.348/2021 IN O.A.NO.832/2016
(Vishal P. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Kakasaheb B. Jadhav learned Advocate for respondent no.2 in O.A.No.832/2016.

Shri P.S.Dighe learned Advocate for respondent no.4 and Shri Parag Bhosale learned Advocate for respondent no.5 in O.A.No.832/2016, are **absent**.

2. Arguments are heard in part. To be continued tomorrow. S.O. to 06-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri V.G. Salgare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 and 2. None present on behalf of respondent No. 3, though duly served.

2. Record shows that affidavit in reply is already filed only on behalf of respondent No. 2.

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

4. S.O. to 18.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 819 OF 2019
(Kalim Safdar Shiklidar Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Smt. Sabahat T. Kazi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 3.

3. Learned Presenting Officer submits that the respondent Nos. 1 and 2 adopts the affidavit in reply filed by the respondent No. 3.

4. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

5. S.O. to 28.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 19 OF 2020
(Rahad L. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed only on behalf of respondent Nos. 3 and 4. The Original Application is filed challenging the communication dated 21.09.2019 issued by the respondent No. 3 and also seeking for directions. Record further shows that in spite of grant of opportunities, the affidavit in reply on behalf of respondent Nos. 1 and 2 is not filed.

3. Learned Advocate for the applicant submits that the similar matters bearing Sr. Nos. 16, 17 & 18 all of 2020 on today's regular board at Sr. No. 27, 28 & 29 are fixed for final hearing only on the basis of affidavit in reply filed on behalf of respondent Nos. 3 and 4.

4. In view of the same, the present matter is pertaining to regularization of suspension period and

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O.A. NO. 19/2020

extension of pensionary benefits. The present O.A. is admitted and it be fixed for final hearing.

5. The present matter is to be treated as part heard.
6. S.O. to 04.05.2022

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

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

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

DATE : 05.04.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, 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 respondents.
3. S.O. to 27.04.2022.

MEMBER (J)

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

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

DATE : 05.04.2022

ORAL ORDER :

Shri M.M. Kadtu, learned Advocate for the applicant (**Leave Note**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 27.04.2022 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

ORIGINAL APPLICATION NO. 185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmkh-Ghate, learned Presenting Officer for the respondent Nos. 1 and 2. None present on behalf of respondent Nos. 3 & 4.

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

3. S.O. to 28.04.2022.

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 : 05.04.2022

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 for filing affidavit in reply on behalf of respondent Nos. 1 to 4.
3. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 509 OF 2020
(Dr. Nomani Muhammed Mufti Tahair Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, 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 as a last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 596 OF 2020
(Dnyaneshwar M. Pandit Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri N.U. Yadav, 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 28.04.2022.

MEMBER (J)

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

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, 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 27.04.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO. 199 OF 2021
(Ravindra N. Kshirsagar Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Shri G.J. Pahilwan, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 02.05.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

ORIGINAL APPLICATION NO. 348 OF 2021
(Balaji M. Ghulekar Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Shri M.V. Thorat, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 02.05.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO. 354 OF 2021
(Sarswati M. Gudmewad Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri S.A. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer placed on record a copy of the order dated 25.03.2022 issued by the Dy. Director, Health Services, Mumbai, thereby modifying the earlier transfer order dated 04.06.2021. By the said modified order dated 25.03.2022, the applicant has been accommodated in Latur District by posting her in Sub-District Hospital, Nilanga, Dist. Latur on the post of Assistant Matron. Copy of the said order is taken on record and marked as document 'X' for the purpose of identification.

3. In view of the same, the grievance raised by the applicant in the present O.A. said to have been redressed. Therefore, the O.A. stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 356 OF 2021
(Mirza Saleem Baig Ismail Baig Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 4.
3. S.O. to 28.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 358 OF 2021
(Taj Mohamad Khan Ameer Mohamad Khan Durani Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 4.
3. S.O. to 28.04.2022.

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 : 05.04.2022

ORAL ORDER :

Heard Shri A.M. Hajare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, 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, 2 & 4.

3. S.O. to 27.04.2022.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

ORIGINAL APPLICATION NO. 430 OF 2021
(Dr. Prema B. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri S.N. Pagare, learned Advocate for the applicant and Shri N.U. Yadav, 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 28.04.2022.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

ORIGINAL APPLICATION NO. 494 OF 2021
(Dr. Dhananjay K. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Shamsunder B. Patil, learned Advocate for respondent No. 4.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3 contenting that the para wise remarks are received. Time granted.

3. Learned Advocate for respondent No. 4 submits that the respondent No. 4 does not wish to file affidavit in reply.

4. S.O. to 29.04.2022 for filing affidavit in reply of respondent Nos. 1 to 3.

MEMBER (J)

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

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

DATE : 05.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 677 OF 2021
(Bharatlal B. Navgire Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
3. S.O. to 02.05.2022.

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 : 05.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that during the course of the day she will file affidavit in reply.
3. S.O. to 27.04.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 752 OF 2021
(Ramesh N. Swami Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4. None present on behalf of respondent No. 5, though duly served.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof has been served on the other side.

3. No affidavit in reply is filed on behalf of respondent Nos. 1 to 3 in spite of grant of opportunities.

4. S.O. to 25.04.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 764 OF 2021
(Rajendra R. Pol Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri S.A. Kulkarni, 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 25.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 765 OF 2021
(Shivaji R. Wayal Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri S.A. Kulkarni, learned Advocate for the applicant and Shri B.S. Deokar, 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 25.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 37 OF 2022
(Vasundhara V. Borgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 4. None present on behalf of respondent No. 5, though duly served.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3 i.e. the Superintendent of Police, Parbhani. 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, 2 & 4.

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

5. S.O. to 25.04.2022.

MEMBER (J)

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

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

DATE : 05.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the prayer clause of the O.A. to the effect of adding expression 'on the vacant post of Forest Guard in Aurangabad Circle'.

3. Leave as prayed for by the applicant is granted. The applicant shall carry out the necessary amendment in the O.A. within a period of two weeks and to serve the amendment copy of the O.A. on the other side.

4. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 55 OF 2022
(Yogesh L. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, 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 for filing affidavit in reply on behalf of respondents.

3. S.O. to 02.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 56 OF 2022
(Sidram M. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate holding for Shri K.P. Rodge, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26.04.2022 for filing rejoinder affidavit.

MEMBER (J)

ORIGINAL APPLICATION NO. 68 OF 2022
(Laxman S. Kolhe Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash 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 07.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 96 OF 2022
(Nagraj S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

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 for the respondents, time is granted for filing affidavit in reply.
3. S.O. to 19.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 114 OF 2022
(Dr. Bhausahab S. Randhe Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, 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 02.05.2022.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

ORIGINAL APPLICATION NO. 217 OF 2022
(Ahmed Raza Sadique Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Smt. A.N. Ansari, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, 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 02.05.2022.

MEMBER (J)

**M.A. No. 626/2019 in O.A. St. No. 2319/2019
(Baban N. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

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

2. Record shows that name of Shri G.N. Patil, learned Advocate appearing for respondent No. 2 is wrongly recorded on the farad sheet. In view of the same, name of learned Advocate Shri G.N. Patil be removed.

3. In view of the same, at the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

4. S.O. to 04.05.2022.

MEMBER (J)

M.A. No. 01/2019 in O.A. St. No. 2317/2019
(Devidas M. Kandhare Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1. Shri G.N. Patil, learned Advocate for respondent Nos. 2 and 3, **absent**.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 04.05.2022 for hearing.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

**M.A. No. 03/2020 in O.A. St. No. 2143/2019
(Dr. Deelip R. Tandale Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2. Shri Ajinkya Reddy, learned Advocate for respondent No. 3, **absent.**

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 04.05.2022 for hearing.

MEMBER (J)

**M.A. No. 04/2020 in O.A. St. No. 2316/2019
(Laxman R. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent No. 1. Shri G.N. Patil, learned Advocate for respondent Nos. 2 and 3, **absent**.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 04.05.2022 for hearing.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

**M.A. No. 05/2020 in O.A. St. No. 2458/2019
(Dr. Manik S. Madke Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4 & 6. Shri Ajinkya Reddy, learned Advocate for respondent No. 5, **absent**.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 04.05.2022 for hearing.

MEMBER (J)

**M.A. No. 06/2020 in O.A. St. No. 2318/2019
(Dattatrya K. Istake Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent No. 1. Shri G.N. Patil, learned Advocate for respondent Nos. 2 and 3, **absent**.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 04.05.2022 for hearing.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

**M.A. No. 201/2020 in O.A. St. No. 464/2020
(Satish S. Gugale Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, 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, time is granted for filing short affidavit with necessary documents.

3. S.O. to 28.04.2022.

MEMBER (J)

**M.A. No. 223/2020 in O.A. St. No. 870/2020
(Vitthal S. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate for the applicant and Shri N.U. Yadav, 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 respondents in M.A.
3. S.O. to 04.05.2022.

MEMBER (J)

M.A. No. 54/2021 in O.A. St. No. 1020/2020
(Pramila R. Shendade & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Shri D.B. Pokale, learned Advocate for the applicants (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 07.06.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

**M.A. No. 73/2021 in O.A. St. No. 1245/2020
(Balkirishna M. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

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

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of ACPS.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 07.06.2022.

MEMBER (J)

**M.A. No. 102/2021 in O.A. St. No. 458/2021
(Ashok N. Jire Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri N.P. Dube, learned Advocate for the applicants (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 07.06.2022 for taking necessary steps.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

**M.A. No. 320/2021 in O.A. St. No. 1326/2021
(Ashok N. Jire Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Shri S.S. Ware, learned Advocate for the applicants (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present for the applicant, S.O. to 07.06.2022 for taking necessary steps.

MEMBER (J)

**M.A. St. No. 2092/2019 in O.A. St. No. 2093/2019
(Rameshwar N. Gupta Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks permission to remove the office objection by mentioning period of delay.

3. Permission granted. The applicant shall carry out the necessary amendment in M.A. forthwith.

4. After amendment, issue notice to the respondents in M.A., returnable on 04.05.2022.

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

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

//2//

MA St. 2092/2019 in
OA St. 2093/2019

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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 04.05.2022.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 285 OF 2022
(Shashikant D. Guntoorkar Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri N.L. Paithane, learned Advocate holding for Shri M.A. Golegaonkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 05.05.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 05.05.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 1080 OF 2019
(Ravindra S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 4. Smt. Sunita D. Shelke, learned Advocate for respondent Nos. 2 & 3, **absent.**

2. The affidavit in reply is filed separately on behalf of respondent Nos. 1 and 3.

3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

4. In view of above, the pleadings are complete. The present matter is pertaining to recovery / refund of recovery amount. Hence, the O.A. is admitted and it be kept for final hearing on 07.06.2022.

MEMBER (J)

**M.A. No. 91/2021 in O.A. St. No. 327/2021
(Bhaginath C. Malika vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that he has received copy of the affidavit in reply of respondent Nos. 3 to 5 in M.A. today itself.

3. S.O. to 08.06.2022 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 23 OF 2021
(Nagnath P. Telgane Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. The present matter has already been treated as part heard.
3. By consent of both the sides, S.O. to 04.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 484 OF 2021
(Shrimant M. Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. At the request of learned Presenting Officer, S.O. to 08.04.2022.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

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

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

DATE : 05.04.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.
3. At the request of learned Presenting Officer, S.O. to 08.04.2022.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

ORIGINAL APPLICATION NO. 200 OF 2018
(Dinkar G. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 02.05.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 688 OF 2018
(Premnath G. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to 09.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 689 OF 2018
(Prakash S. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 09.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 05.04.2022

**ORIGINAL APPLICATION NO. 697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

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

2. Record shows that as per the order of this Tribunal dated 05.01.2022, the present O.A. is amended and prayer clause D-1 was also added.

3. In view of the same, the learned Presenting Officer for the respondents seeks time for filing affidavit in reply to the amended O.A. Time granted.

4. S.O. to 05.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 16 OF 2020
(Sahebrao S. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. The present matter is to be treated as part heard.
3. By consent of both the sides, S.O. to 04.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 17 OF 2020
(Bapurao R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present matter is to be treated as part heard.
3. By consent of both the sides, S.O. to 04.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 18 OF 2020
(Shivnath U. Vyavhare Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. The present matter is to be treated as part heard.
3. By consent of both the sides, S.O. to 04.05.2022.

MEMBER (J)

**O.A. Nos. 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894 & 895 all of 2017
(Prabhakar D. Mali & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri S.G. Chapalgaonkar, learned Advocate for the applicants in all these O.As. and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4 in all these O.As.

Shri Vivek Deshmukh, learned Advocate for respondent No. 5 in O.A. Nos. 884, 888, 892 & 893 all of 2017, Shri N.K. Tungar, learned Advocate for respondent Nos. 5 in O.A. Nos. 886 & 895 both of 2017, Shri Abhijit More, learned Advocate for respondent No. 5 in O.A. No. 887/2017 and Shri B.R. Sontakke, learned Advocate for respondent No. 5 in O.A. No. 891/2017, are **absent**.

2. As per the Circular No. MAT/MUM/ESTT/732/ 2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matters are pertaining to benefits of ACPS.

3. In view of the same, the present matters be placed before the Division Bench for further hearing.

4. S.O. to 07.06.2022.

MEMBER (J)

**M.A. 267/2021 in M.A. 567/2019 in O.A. St. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri R.D. Biradar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By this Misc. Application No. 267/2021, the applicant is seeking amendment in the O.A. only to add prayer clause (BB), which is as follows :-

“BB) To quash and set aside order dated 25.07.2014 passed by Deputy Director of Social Forestry Latur by giving retrospective effect dated 31.10.2012 and applicant further praying to release his salary also for the period between 31.10.2012 to 25.07.2014.”

3. The proposed amendment is not going to change the nature of O.A., which is filed for regularization of services. Hence, I proceed to pass following order :-

ORDER

- i. The M.A. No. 267/2021 is allowed.
- ii. The applicant shall carry out the necessary amendment in the O.A. forthwith.
- iii. Accordingly, M.A. No. 267/2021 stands disposed of with no order as to costs.

MEMBER (J)

**M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri R.D. Biradar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Issue notice to the respondents in M.A., returnable on 04.05.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04.05.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**ORIGINAL APPLICATION NO. 515 OF 2020
(Aniket D. Rakh Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., S.O. to 11.04.2022.

MEMBER (J)

SAS ORAL ORDERS 05.04.2022

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

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present matter be treated as part heard.
3. By consent of both the sides, S.O. to 22.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 89 OF 2020
(Madhukar G. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents on instruction received from Shri Abhale, S.D.O., Sangamner Irrigation Sub-Division Sangamner, Dist. Ahmednagar who is remained present before this Tribunal today seeks time. Time is granted as a last chance.

3. S.O. to 06.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 20 OF 2021
(Ramraje S. Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Ms. Tejal Mankar, learned Advocate holding for Smt. Preeti R. Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Affidavit-in-sur-rejoinder filed on behalf of the respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.

3. S.O. to 11.04.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 540 OF 2021
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)**

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, 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 20.04.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 832 OF 2018
(Shaikh Nasir Sk. Miya Vs. State of Maharashtra & Ors.)

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

DATE : 05.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present Original Application is filed for following relief:-

- (A) This Original Application may kindly be allowed.
- (B) By issue of an appropriate order or direction, the respondent Nos.2 and 3 may kindly be directed to consider the claim of the applicant for absorption on the post of Civil Engineering Assistant and thereafter for the post of Junior Engineer as per the Govt. Resolution dated 16.9.2016 and consequently his pension may kindly be revised.
- (C) By issue of an appropriate order or direction, the respondents may kindly be directed to decide the representation dated 20.12.2017 which is at Annex. A-2 to the original application within stipulated period.
- (D) Any other suitable and equitable relief for which the petitioner is entitled may kindly be granted.

(quoted from page no.7 of P.B.)

2. The applicant is claiming for absorption on the post of Civil Engineering Assistant and thereafter for the post of Junior Engineer as per G.R. dated 16.09.2016 and consequently consequential revision in pension.
3. It is a fact that before filing this Original Application the applicant had made representation dated 20.12.2017 (Annex. 'A-2') to the respondent Nos.2 and 3 for considering his claim. However, it was not decided within six months. Therefore, the applicant filed Original Application on or about 13.08.2018.
4. Learned Advocate for the applicant submits that the purpose of filing the Original Application would be served if prayer clause 'C' is granted.
5. Learned P.O. for the respondents submits that necessary order can be passed.
6. The alleged claim of the applicant is filed with the respondent Nos.2 and 3 by way of representation dated 20.12.2017 (Annex. 'A-2') made by the applicant. Learned Advocate for the applicant submits that the said representation is still pending.

//3//

O.A.No.832/2018

7. In view of same, in my opinion, the Original Application can be disposed of by granting prayer clause 'C' reproduced as above. I therefore proceed to pass the following order.

ORDER

- (a) The Original Application is partly allowed in terms of prayer clause 'C'.
- (b) The representation dated 20.12.2017 (Annex. 'A-2') made by the applicant be decided within a period of three months from the date of this order.
- (c) No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2017
(Vasant D. Karke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 6.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 625 OF 2019
(Dattatraya N. Shastri Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri M.D. Narwadkar, 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 6.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2019
(Vishnu B. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri Swapnil A. Deshmukh, 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 6.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 956 OF 2019
(Rajendra M. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

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

2. No rejoinder affidavit is to be filed as stated by the learned counsel for the applicant. In the circumstances, the present case be listed for hearing on 7.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1094 OF 2019
(Tushar C. Musale Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, 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 by way of last chance. It is made clear that if the affidavit in reply is not filed on or before the next date of hearing, the matter will be heard without affidavit in reply.

3. S.O. to 20.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1021 OF 2019
(Dr. Prashant D. Warkari Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, 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 7.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 412 OF 2020
(Omprakash H. Kothari Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Shamsunder B. Patil, learned counsel for respondent No. 4, are present.

2. At the request of learned counsel for respondent No. 4, S.O. to 7.6.2022 for filing affidavit in reply. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 505 OF 2020
(Madan D. Dube Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri Shamsunder B. Patil, learned counsel for respondent No. 3, are present.

2. S.O. to 7.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 208 OF 2021
(Dnyaneshwar B. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri S.B. Solanke, 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 7.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 246 OF 2021
(Pradeep B. Bramhane Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, 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 7.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 440 OF 2021
(Waheeda Fiyjoddin Kazi Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, 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 on behalf of respondent Nos. 1 & 4. Time granted.

3. S.O. to 7.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 454 OF 2021
(Dipak L. Pendkar Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri S.K. Mathpati, learned counsel for the applicant and Shri B.S. Deokar, 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 8.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 552 OF 2021
(Jabbar Dastgir Pinjari Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri P.S. Anerao, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 8.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 574 OF 2021
(Latabai B. Savant Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant and Shri N.U. Yadav, 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 8.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 678 OF 2021
(Suresh G. Tandale Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Rondale, learned counsel holding for Shri B.R. Kedar, 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 tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the present case for hearing on 2.5.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 791 OF 2021
(Prabhakar B. Bush Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, 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 Nos. 1 & 3 to 5 and the same is taken on record and copy thereof has been served on the other side.

3. At the request of learned counsel for the applicant, S.O. to 9.6.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 175 OF 2022
(Dr. Asha P. Kathar Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 176 OF 2022
(Dr. Arun A. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

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

2. Await service.
3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 177 OF 2022
(Dr. Pravin K. Dhakne Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

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

2. Await service.
3. S.O. to 9.6.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 111/2021 IN O.A.ST.NO. 439/2021
(Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri J.M. Murkute, learned counsel for respondent Nos. 35,50, 58 & 59 (**absent**).

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

3. S.O. to 6.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

**M.A.NO. 176/2021 IN O.A.ST.NO. 498/2021
(Pruthviraj S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri V.B. Wagh, 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 6.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

**M.A.NO. 295/2021 IN O.A.ST.NO. 1154/2021
(Mrunalini P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, 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 7.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

M.A.NO. 93/2022 IN O.A.NO. 297/2013
(Prakash B. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant has filed leave note. Smt. M.S. Patni, 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 7.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

**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, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 5.4.2022

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer, S.O. to 8.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

**ORIGINAL APPLICATION NO. 473 OF 2021
(Manisha S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri K.D. Khade, learned counsel holding for Shri P.B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.4.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

C.P.NO. 28/2020 IN O.A.NO. 113/2012
(Bhagwat T. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned Chief Presenting Officer, S.O. to 7.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

ORIGINAL APPLICATION NO. 580 OF 2021
(Dr. Santram M. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar written notes of arguments on behalf of respondent Nos. 3 to 5. The same are taken on record.

3. The present case is reserved for orders.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 257 OF 2020
(Sambhaji S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Ganesh Gadhe, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. Since none appears for the applicant, S.O. to 13.4.2022.

MEMBER (A)

MEMBER (J)

C.P.NO. 8/2022 IN O.A.NO. 773/2021
(Kalim Salim Inamdar Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri Muhammad Aseem, learned counsel holding for Shri Sayeed T. Yaseen, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned Chief Presenting Officer, S.O. to 26.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

ORIGINAL APPLICATION NO. 169 OF 2022
(Nisar Kha Abdullatif Khan Pathan Vs. State of Maharashtra
& Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri Sanket N. Suryawanshi, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to 18.4.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 131/2022 IN O.A.ST.NO. 528/2022
(Sitaram Vithoba Inkare Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

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

2. Issue notice to respondents in application for condonation of delay, returnable on 10.06.2022.

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

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 10.06.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 436 OF 2017
WITH T.A. 3/2021 (W.P.NO. 3742/2021)
(Shreya B. Mamode Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer seeks time up to Friday i.e. 8.4.2022 for compliance of the order passed by this Tribunal on 29.3.2022. Time granted as prayed for.

3. S.O. to 8.4.2022.

MEMBER (A)

MEMBER (J)

T.A. 11/1999 (W.P. 3251/1993)
T.A. 12/1999 (W.P. 653/1994)
T.A. 19/1999 (W.P. 2311/1994)
T.A. 26/1999 (W.P. 2772/1993)
T.A. 47/1999 (W.P. 776/1993)
T.A. 07/1999 (W.P. 3765/1997)
T.A. 06/2006 (W.P. 4261/1995)
T.A. 36/2002 (W.P. 3007/1991)
M.A. 311/2008 in T.A. 42/1999 (W.P. 1274/1991)
T.A. 01/2005 (W.P. 812/1993)
T.A. 17/1999 (W.P. 2791/1994)
T.A. 35/1998 (W.P. 296/1998)
M.A. 312/2008 in T.A. 35/1999 (W.P. 1259/1991)
T.A. 10/1999 (W.P. 5254/1995)
T.A. 22/1999 (W.P. 3344/1997)
M.A. 367/2008 in T.A. 25/1999 (W.P. 3569/1993)
M.A. 309/2008 in T.A. 24/1999 (W.P. 3607/1993)
M.A. 306/2008 in T.A. 36/1999 (W.P. 652/1994)
T.A. 28/1999 (W.P. 1253/1991)
T.A. 30/1999 (W.P. 617/1994)
T.A. 33/1999 (W.P. 3796/1997)
T.A. 34/1999 (W.P. 3620/1997)
T.A. 37/1999 (W.P. 1382/1994)
T.A. 14/1999 (W.P. 3770/1997)
T.A. 16/1999 (W.P. 1226/1991)
T.A. 09/1999 (W.P. 3345/1997)
T.A. 13/1999 (W.P. 777/1995)
T.A. 20/1999 (W.P. 882/1991)
T.A. 38/1999 (W.P. 329/1992)

(Marathwada Serva Shramik Sanghatana through its Joint Secretary M.S.
Sonwane & Ors. V/s. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri A.S. Shelke, learned counsel holding for Shri
S.K. Shelke, learned counsel for the applicants
(**present**). S/Shri S.R. Barlinge, Subhash Mundhe &
B.B. Yenge, learned counsel for the respective

:: - 2 - :: T.A. 11/1999 (W.P. 3251/1993) & Group.

applicants in respective matters, **are absent**. Shri Goverdhan Ganoji, party in person in T.A. No. 6/06 (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all the cases, is present.

Shri Vivek Bhavthankar, learned counsel for respondent Nos. 2 & 3 in T.A. No. 11/1999 (W.P.No. 3251/1993) (**absent**).

2. Learned Chief Presenting Officer has sought time. Time granted by way of last chance.

3. S.O. to 25.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 5.4.2022-HDD

**O.A. NOS. 212, 213, 214, 355, 439/2019 WITH M.A. 17/2020 IN O.A. 1072/2019
(Sunder S. Waghmare & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri D.R. Irale Patil, learned Counsel for the applicants in all O.As., Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in all the O.As., Shri Ajay S. Deshpande, learned Counsel for respondent nos. 3 to 5 in O.A. No. 355/2019, for respondent nos. 4 to 7 in O.A. No. 439/2019, for applicants in M.A. No. 17/2020, Shri S.B. Mene, learned Counsel for respondent no. 2 in O.A. No. 439/2019 and Shri S.D. Dhongde, learned Counsel for respondent nos. 1 & 2 in O.A. No. 1072/2019, are present.

2. The present matters could not be heard for want of time. Place these matters on 12.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 654/2013
(Dr. Amol S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Ms. Surekha Mahajan, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 20.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 314/2016
(Mohd. Majeed Mohd. Faku Miyan Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 2.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 319/2016
(Shivaji P. Kokate Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Shri P.S. Dighe, learned Counsel for the applicant
(**absent**). Shri M.S. Mahajan, learned Chief Presenting
Officer for the respondents, is present.

2. S.O. to 2.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 350/2016
(Sanjay D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 4.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 626/2016
(Savita U. Hake Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 4.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 829, 830 AND 831 ALL OF 2017
(Dattatraya D. Jaybhay & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri Vinod D. Godbharle, learned Counsel for the applicants in all the three matters (**absent**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents in all the three matters, is present.

2. S.O. to 21.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 657/2018
(Ayesha Feroz Khan Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri M.K. Deshpande, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 4.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 731/2018
(Ramesh J. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 5.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. NOS. 558 AND 559 BOTH OF 2019

(Udaysingh A. Bohara & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri A.L. Kanade, learned Counsel for the applicants in both the matters and Smt. Sanjivani Deshmukh Ghate & Smt. M.S. Patni, learned Presenting Officers for the respondents in respective matters, are present.

2. With the consent of both the sides, S.O. to 16.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 54/2020
(Bharatlal T. Dhupe Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri K.D. Khade, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 6.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 272, 273, 274, 275, 276, 277, 278, 279, 280,
281, 282 AND 283 ALL OF 2020
(Umesh L. Dargode & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Shri V.G. Pingle, learned Counsel for the applicants in all the matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all the matters, are present.

2. With the consent of both the sides, S.O. to 7.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 190/2020
(Rajendra S. Aware Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Ms. Amruta Pansare, learned Counsel holding for Shri V.B. Wagh, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. The learned Counsel has tendered across the bar a short affidavit of the applicant. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 13.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 100/2021
(Manisha T. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 5.4.2022

ORAL ORDER :

Shri Dhananjay A. Mane, learned Counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, is present.

2. S.O. to 15.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 260/2021

(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The applicants are working on the post of Agriculture Assistant and are aspiring for promotion to the post of Agriculture Supervisor. There are rules in respect of making appointment on the post of Agriculture Supervisor. These rules are called as "The Agriculture Supervisor in Group-'C' in the Commissionerate of Agriculture under the Agriculture, Animal Husbandry, Dairy Development and Fisheries Department (Recruitment) Rules, 2018." As per Rule 4 of the said Rules, appointment to the post of Agriculture Supervisor shall be made by promotion and selection in the ratio of 70:30, respectively. It is the contention of the applicant that the posts meant for the departmental persons have not been filled since many years and though the rules in that regard have become operational in the year 2018, said posts have not been filled up. It is the prayer of the applicants in the present Original Application that the respondents be directed to commence the said process and give an opportunity to the aspiring candidates, who are working on

the post of agriculture Assistant alike the present applicants to compete for the said promotional posts.

3. In the affidavit in reply, it is the only contention raised on behalf of the respondents that due to the pandemic situation, the process for filling in the posts through the departmental persons could not be commenced and the moment situation would become normal the respondents will start the said process. Today also, the learned P.O. has tendered a communication dated 04.02.2022 wherein it is contended that presently there is third wave of COVID-19 in existence in the State and after the same is brought in control, the process in respect of effecting promotion of the departmental persons will be carried out.

4. It is not in dispute that according to the Recruitment Rules of 2018 for the recruitment on the post of Agriculture Supervisor in Group-C, the appointments are to be made by promotion and selection in the ratio of 70:30 respectively. The respondents have not denied that after coming into effect of aforesaid Rules of 2018, no promotions are effected. The difficulty which the respondents have put forth is that in the meanwhile period because of COVID-19 pandemic situation the process for appointment to the post of Agriculture Supervisor in Group-C by way of promotion could not be filled up. In the present matter the prayer made by the applicants is genuine and bona fide. For Government servants the promotion on the next post matters much. Every employee desires that he shall get the promotion on the next higher post in time.

5. Pandemic situation is now well within control and the Government has lifted almost all the restrictions, which were imposed during the said period. In the circumstances, it does not appear to us that there may be any difficulty for respondent authorities to initiate the process for promotion on the post of Agriculture Supervisor in Group-C insofar as the quota meant for the employees working on the post of Agriculture Assistant is concerned. We therefore direct the respondents to commence the process of effecting the promotions for the departmental persons to the post of Agriculture Supervisor in Group-C and complete the entire process within the period of 4 months from the date of this order.

6. Original Application stands allowed in the aforesaid terms however, without any order as to costs.

MEMBER (A)

MEMBER (J)

Date : 5.4.2022

O.A. 322/2022

**(Dr. Datta M. Dhanve V/s State of Maharashtra &
Ors.)**

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

1. Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **5.5.2022**. The case be listed for admission hearing on **5.5.2022**.
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 : 5.4.2022

M.A. 154/2022 IN O.A. ST. 517/2022

(Savitra S. Warale V/s State of Maharashtra & Ors.)

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

1. Shri V.P. Narwade, 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 in M.A., returnable on **4.5.2022**. The case be listed for admission hearing on **4.5.2022**.

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. 397 OF 2019
(Shilpa J. Ingale Vs. State of Maharashtra & Ors.)**

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

DATE : 5.4.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present O.A. was finally heard by us today and after hearing the learned counsel appearing for the applicant and the learned Presenting Officer the judgment was also dictated by us in open court thereby dismissing the O.A. Thereafter, the request was made by the learned counsel to continue effect of interim relief passed in favour of the applicant for next four weeks, so as to enable the applicant to approach the Hon'ble High Court. Accordingly, the said order was also passed and the implementation of the order passed by the Tribunal today was stayed for next four weeks. However, in the second session the learned counsel appeared before the Tribunal and urged that though there are pleadings in the O.A. said issues were inadvertently not addressed by him, which are material for effective decision in the present O.A. The learned counsel strenuously urged that he may be

permitted to argue the said points in the interest of justice otherwise irreparable loss will be caused to the applicant.

3. Learned Presenting Officer has submitted for passing appropriate orders.

4. It is true that the matter was heard and the order has also been dictated in the open court. However, the order has not yet been transcribed. In the circumstances, in the interest of justice we accept the request of the applicant and permit him to argue the remaining issues on the next date.

5. The Steno who has taken the dictation in the matter is directed not to transcribe the said dictation. Sirestedar, if he has shown the matter to have been disposed of to correct the said entry and keep the matter for further consideration on 25.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 250/2021
(Riyajkhan Ajijkhan Faruki Vs. State of Maharashtra & Ors.)

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

DATE : **5.4.2022**

ORAL ORDER :

Heard Shri Taher Ali Quadri, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The Deputy Director of Health Services, Mumbai Circle, Thane had published advertisement dated 22.2.2019 for various posts in Group-C category including Pharmacy Officer. The applicant applied for the said post i.e. of Pharmacy Officer Group-C by making online application on 18.3.2019 claiming benefit of reservation provided for Economically Weaker Section (E.W.S.). In the examination held in pursuance of the advertisement, the applicant secured highest marks as is averred in the Application. The applicant was therefore selected and his name was included in the list of eligible candidates. The applicant was called for the document verification on 22.4.2021. On the said date the applicant produced before the Scrutiny Officer the certificate dated 19.4.2021 issued by the competent authority certifying the applicant to be falling in the category of E.W.S. However, the respondent no. 4 vide order dated 27.5.2021 declared the applicant to

be disqualified on the ground that the E.W.S. certificate presented by the applicant was of the date, subsequent to the date mentioned in the advertisement i.e. 28.2.2021.

3. It is the contention of the applicant that neither in the advertisement nor in any other communications it was ever explained that the candidate is required to possess the E.W.S. certificate valid on 28.2.2021. It is his further contention that the only condition in the advertisement was that the candidates claiming benefit under any reservation category must submit the relevant certificates at the time of Scrutiny of the documents. It is the contention of the applicant that accordingly on the date of Scrutiny of the documents the applicant produced the E.W.S. certificate dated 19.4.2021, but the respondents erroneously disqualified him. The applicant has therefore prayed for setting aside the order dated 27.5.2021 and direction against the respondents to consider his candidature, he being first in order of merit from the E.W.S. category.

4. The respondents by filing their affidavit in reply have resisted the contentions taken in the application. It is the contention of the respondents that the applicant since failed to produce E.W.S. certificate prior to the date of examination i.e. 28.2.2021 candidature of the applicant

has been rightly rejected and he has been rightly held disqualified for consideration for the said post.

5. The learned Counsel for the applicant invited our attention to the advertisement as well as E.W.S. certificate presented by the applicant at the time of scrutiny of documents. The learned Counsel submitted that the applicant was never informed that he was expected to produce E.W.S. certificate valid on the date of examination i.e. 28.2.2021. The learned Counsel more particularly invited our attention to the clause in the advertisement which says that the candidates concerned shall produce eligibility documents on the date of scrutiny of documents.

6. It is not in dispute that for scrutiny of documents the applicant was called on 22.4.2021. It is further not in dispute that on the date of scrutiny the applicant produced the E.W.S. certificate dated 19.4.2021 under the signature of the competent authority. Perusal of the impugned communication dated 27.5.2021 also supports the contention of the applicant that the said certificate was produced by him at the time of scrutiny of documents. The reason which has been assigned for not accepting the said document is that, it was not of the period prior to 28.2.2021.

7. We have carefully considered the clauses in the advertisement. There is no such clause in the advertisement putting any obligation on the part of the candidates claiming such reservation. The communication which has been placed on record by the respondents is admittedly internal correspondence between Officers of the respondents. Nothing has been placed on record or brought to our notice on the basis of which it could have been inferred that the applicant or all other candidates were put on notice that they were under obligation to place on record or possess necessary certificate of the date prior to 28.2.2021.

8. In the affidavit in reply filed on behalf of respondent nos. 1 to 4 the respondents have referred to a Circular dated 23.12.2020 issued by General Administration Department pertaining to the benefit of reservation as applicable to S.E.B.C. category. It is further stated that as mentioned in the said Circular the candidates, who are eligible and have submitted applications for recruitment in response to the advertisement published by the Directorate of Health Services under S.E.B.C. category, have to procure the latest S.E.B.C. eligibility certificate from the competent authority day before the examination. In the present matter the advertisement in pursuance of which applicant had made an application was published on 22.2.2019. The guidelines as aforesaid are admittedly

issued thereafter. It is not the case of the respondents that these guidelines were brought to the notice of all the candidates applying in pursuance of the advertisement dated 21.2.2019. As such, said criteria cannot be applied to the case of the applicant. Similarly though the respondents also placed reliance on the Circular dated 31.5.2021, the said provisions also may not apply in the present matter as they have been subsequently issued and there is nothing on record to show that said conditions were made applicable to the recruitment initiated in pursuance of the advertisement dated 22.2.2019.

9. It is a settled law that there cannot be any deviation from the terms and conditions contained in the advertisement issued initiating the recruitment process. If any additional condition is to be incorporated, the same has to be specifically brought to the notice of all concerned. In the present matter as we have mentioned hereinabove, the advertisement does not prescribe that E.W.S. certificate shall be of the date prior to the day of examination i.e. 28.2.2021. It appear to us that what requires to be satisfied by a candidate seeking benefit of E.W.S. category is the fact that in the relevant period the income of family members was less than the income prescribed. If E.W.S. certificate dated 19.4.2021 produced by the applicant is carefully perused, it reveals that the documents relying on which said certificate has been

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O.A. NO. 250/2021

issued include the income certificate. Obviously, the income certificate would be of the preceding financial year i.e. 2020-21. The applicant has also placed on record the income certificate of the said year which reveals income of applicant and his family as Rs. 55,000/-. The said certificate is of the period from 1.4.2020 to 31.3.2021. It is thus evident that it covers the income of the applicant on 28.2.2021. As such also the rejection of the said certificate by the respondents on the ground that the applicant did not produce E.W.S. certificate up to the date of 28.2.2021 is erroneous and has to be set aside.

10. After having considered the documents on record, we have no hesitation in holding that the E.W.S. certificate produced by the applicant was valid document to hold that he falls in E.W.S. category and was entitled for appointment on the seat reserved for the candidate coming from E.W.S. category. As has been submitted by the applicant, he stands first in order of merit insofar as E.W.S. category is concerned. He is therefore, entitled for to be appointed on the said post, if he is otherwise eligible for the said post. For the reasons stated above, following order is passed :-

ORDER

(i) Original Application stands allowed without any order as to costs.

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O.A. NO. 250/2021

(ii) The impugned communication / order dated 27.5.2021 bearing outward no. Astha./Kaksha3ABC/13/162/Au.Ni./Bharti/Samu/17922-24/21 passed by respondent no. 4 is quashed.

(iii) The respondent nos. 2 to 4 are directed to consider the present applicant for to be appointed on the post of Pharmacy Officer Group-C being at the first position in order of merit in the quota meant for E.W.S. category and to issue him the order of appointment on the said post.

(iv) The aforesaid exercise is to be completed by the respondents within 06 weeks from the date of this order.

MEMBER (A)

MEMBER (J)