

**ORIGINAL APPLICATION NO. 422/2020**  
**(Shri Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri Sandeep D. Munde, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

**2. The Original Application stands dismissed. The detailed order would follow.**

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 422/2020**  
**(Shri Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Heard Shri Rahul Karpe, learned counsel holding for Shri Sandeep D. Munde, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicants are aspiring for appointment on the post of Assistant Motor Vehicle Inspector (for short AMVI). All the three applicants have passed their S.S.C. examination. The applicant nos. 1 & 2 have thereafter acquired the Diploma in Automobile Engineering, whereas applicant no. 3 holds the Diploma in Mechanical Engineering. All the applicants have also passed the MS-CIT examination. The applicants are also having valid driving license and valid experience as required for the said post.

3. The respondent no. 3, the M.P.S.C., has issued an advertisement no. 2/2020 for filling in the post of AMVI. Total 240 posts are advertised. It is the grievance of the

applicants that in the advertisement No. 2/2020, since the candidates, who are having the Degree or any higher education are also made eligible for submitting their applications for the post of AMVI, the chances of the candidates like the present applicants, holding Diploma in Automobile Engineering or Diploma in Mechanical Engineering are likely to be prejudicially affected.

4. As has been submitted by Shri Karpe, the learned counsel for the applicants the educational qualification as prescribed in the advertisement is contrary to the qualification prescribed for the post of AMVI under the Rules framed under the provisions of Motor Vehicles Act, 1988. According to the learned counsel, the respondents do not possess any right or authority to prescribe qualification other than prescribed in the said Rules. Our attention was invited by the learned counsel to the amended Motor Vehicles Act, 1998 more particularly section 213 thereof which deals with the appointment of Motor Vehicles Officers. Sub clause (4) thereof provides that the Central Government may, having regard to the objects of Act, by notification in the gazette may prescribe the minimum qualifications, which the said officers or any class thereof shall possess for being appointed as such. The learned counsel then brought to our notice the

provisions under section 215(c) of the Motor Vehicles Act, 1988, which deals with the power of Central Government to make the rules. The learned counsel referred to sub-clause (b) of clause (2) of section 215(C) of the Motor Vehicles Act, 1988, which provides that the rules providing minimum qualifications for the Motor Vehicle Department Officers are to be framed by the Central Government. It was the further contention of the learned counsel that section 215(D), which deals with the powers of State Government to make rules does not give such power to the State to make rules of prescribing minimum qualification for the Officers in the Motor Vehicles Department. It was therefore the contention of the learned counsel that the State Government does not possess any power to prescribe the educational qualification for the post of AMVI since that is within the exclusive domain of Central Government.

5. To support his contention, the learned counsel relied upon the judgment of Hon'ble Supreme Court in the case of **P.M. Latha and Another Vs. State of Kerala and Others, 2003 (3) SCC 541** and the judgment delivered by the Division Bench of Hon'ble Bombay High Court in the case of **Sangram Ramdas Gholve and others Vs. State of Maharashtra and others, 2016 (5) AIR Bom R 783.**

6. We have gone through the entire text of both the aforesaid judgments. It does not appear to us that the ratio laid down in the said judgments would apply to the facts of the present case. In the case of **P.M. Latha and Another** (cited supra) the recruitment was for the post of Lower Primary / Upper Primary Teachers in the Government Schools. In the gazette notification the qualification prescribed for the said post was 'pass in TTC (Trained Teachers' Certificate). However, instead of selecting holders of TTC, those holding B.Ed. degree were selected on the basis that B.Ed. is a higher qualification than TTC. The learned Single Judge of Hon'ble Kerala High Court set aside the said decision. The Division Bench of the Hon'ble High Court reversed the judgment of the learned Single Judge and the matter was taken to the Hon'ble Supreme Court. The Hon'ble Supreme Court held that B.Ed. cannot be treated as higher qualification than TTC. It was further held that fixation of qualification for a particular post is a matter of recruitment policy. It was further observed by the Hon'ble Supreme Court that the TTC is given to the teachers specially trained to teach small children in primary classes, whereas for B.Ed. degree, the training imparted is to teach students of classes above primary. It was then observed by the Hon'ble Supreme Court that B.Ed. degree holders, therefore, cannot

necessarily held to be holding qualification suitable for appointment as teachers in primary schools.

7. In the present matter also it was the contention of the learned counsel for the applicants that for the post of AMVI having regard to the duties and responsibilities of the said post the Diploma in Automobile Engineering or Diploma in Mechanical Engineering can only be held to be the necessary qualification. According to the learned counsel, the Degree holders do not possess any practical knowledge, which Diploma holders do possess. We are, however, not convinced with the submissions so made. No such material is produced before us so as to draw a conclusion that the person holding the qualification of Diploma in Automobile Engineering or Diploma in Mechanical Engineering will only be able to discharge the duties and responsibilities of the post of AMVI and a person holding the Degree in Automobile Engineering or Mechanical Engineering may not be able to perform the same. We are further unable to accept the submission made by the learned counsel that Diploma holders do possess practical knowledge and practical experience, which degree holders do not possess. In this regard also except mere oral submissions there is nothing on record to support the contentions raised by the applicants.

8. The another judgment relied upon by the learned counsel in the case of **Sangram Ramdas Gholve and others** (cited supra) delivered by the Division Bench of Hon'ble Bombay High Court is also having some distinguishable facts, and as such, the said judgment also cannot be applied to the facts of the present case. The said petition was filed by the persons possessing degree in Civil Engineering alleging that they have been excluded from the eligibility for the post of Junior Engineers (Civil) (Group-B Non-gazetted) and the candidates possessing diploma in Civil Engineering for a duration of 03 years only have been held eligible for the said post. During course of hearing of the said petition it was revealed that the petitioners have suppressed the material facts and more particularly the fact that 25% of the total posts advertised were to be filled in by the candidates holding Degree in Civil Engineering and the remaining 75% posts were to be filled in from amongst the candidates holding Diploma in engineering. Hon'ble Division Bench has observed that the allocation so made was quite reasonable and rational.

9. It has been vehemently argued on behalf of the applicants that the qualification for appointment of Motor Vehicle Officers can only be prescribed by Central Government and State Government do not have any right or authority to prescribe the same. We deem it appropriate

to reproduce herein below sub-clause (4) of section 213 of the Motor Vehicles Act, 1988, reads thus :-

**“213. Appointment of motor vehicles officers, -**

1) -- -- -- --

2) -- -- -- --

3) -- -- -- --

4) *The Central Government may, having regard to the objects of the Act, by notification in the Official Gazette, prescribe the minimum qualifications which the said officers or any class thereof shall possess for being appointed as such.”*

10. Section 215(C) of the Motor Vehicles Act, 1988 was also referred by the applicants. Sub-clause (b) of Clause (2) of section 215(C) is relevant, which reads thus :-

**“215(C) Power of Central Government to make rules, -**

(1) -- -- -- --

(2) *Without prejudice to the generality of the foregoing power, such rules may provide for –*

(a) -- -- -- --

(b) *the minimum qualifications which the Motor Vehicles Department officers, or any class thereof shall be required to possess for appointment as such, as referred to in sub-section (4) of section 213;”*



11. Section 215(D) deals with the power of the State Government to make rules, which says that the State Government may make rules for the purposes of carrying into effect the provisions of said Chapter, other than the matters specified in section 215(C), meaning thereby that the State Government cannot prescribe minimum qualification for the Motor Vehicles department officers. In the same context it was also argued that no qualification other than the qualification prescribed in the Rules framed by the Central Government under section 215(C) of the Motor Vehicles Act, 1988 could have been prescribed in the advertisement.

12. The aforesaid contention also does not carry any substance. The aforesaid provision cannot be interpreted to mean that the States do not possess the power to determine and/or prescribe any higher qualification by framing the rules in that regard. Restriction for the States is not to frame rules prescribing qualification, lower than the minimum qualification prescribed in the Central Rules. Thus, no State can under the rules framed by it, can make eligible the candidates having passed only 10<sup>th</sup> standard examination. However, there may not be any difficulty if any higher qualification is provided. The provisions under the Motor Vehicles Act, 1988 and the rules framed thereunder, which are referred to and relied upon by the

learned counsel for the applicants thus do not in any manner operate as a bar for prescribing any higher qualification. What is impermissible is to prescribe any qualification, lower than the minimum qualification prescribed in the rules framed by the Central Government under the Motor Vehicles Act, 1988.

13. For the reasons stated above we do not see any infirmity or error on part of the respondents in making the candidates holding the Degree in Automobile Engineering or Mechanical Engineering also eligible for applying for the post of AMVI. We therefore do not find any substance in the prayers made in the present application. In the result, the following order is passed :-

**ORDER**

The Original Application is dismissed without any order as to costs.

**MEMBER (A)**

ARJ ORAL ORDERS 5.5.2022

**VICE CHAIRMAN**

**M.A. ST. 362/2019 IN O.A. ST. 1539/2019**  
**(Shri Prakash W. Bhambre Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri H.S. Bali, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 5.5.2022

**M.A. 144/2022 IN O.A. 496/2021  
(Shri Prashant S. Vaidhya & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri R.K. Ashtekar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The present matter could not be heard today because of paucity of time. The learned counsel, however, pointed out that the objection of the applicants is to the provisional seniority list published. The learned counsel submitted that the applicants apprehend that without making the provisional seniority list final the promotions would be effected and the said practice was followed by the Department in the past.

3. However, considering the apprehension in the minds of the applicants, we deem it necessary to clarify that, if promotions are effected on the basis of the provisional seniority list in the meanwhile period, all such promotions shall be subject to final outcome of the Original Application.

4. S.O. to 21.6.2022.

**MEMBER (A)**

ARJ ORAL ORDERS 5.5.2022

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 569/2018**  
**(Shri Prashant A. Bonge Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri S.S. Ware, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant seeks leave to correct the date in prayer clause (B) of the O.A. by mentioning it as '26.7.2018' in place of '26.7.2017'. Leave as prayed for is granted. Necessary amendment be carried out immediately.

3. S.O. to 4.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 435/2021  
(Santosh N. Thakur Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Shri Deepak D. Choudhari, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel tenders across the bar the written communication received to him from the applicant for withdrawal of the present matter. The same is taken on record. In view of the same following order is passed. :-

**ORDER**

The Original Application stands disposed of since withdrawn without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 633/2021**  
**(Shri Sunil H. Nirmal Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant submits that though notices of respondent nos. 4 to 7 have returned unserved with a remark that the said respondents are not residing on the given address, according to the instructions given by the applicant, the respondent nos. 4 to 7 are residing on the said address. Hence, request is made for issuance of fresh notice to respondent nos. 4 to 7 on the same address. Hence, the following order :-

**ORDER**

1. Issue fresh notice to respondent nos. 4 to 7 on the same address, returnable on 15.7.2022.
2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

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

7. S.O. to 15.7.2022.

8. Steno copy and hamdast allowed for the use of both the sides.

**MEMBER (A)**

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 215/2021**

**(Salim Mohd. Hanif Shaikh & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities, Shri M.S. Deshmukh, learned counsel for respondent nos. 4 to 11 & 13 and Shri U.L. Momale, learned counsel for respondent nos. 14 to 17, 19, 20 & 22 to 24, are present.

2. The learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of the Government authorities will be filed. The learned Presenting Officer shall provide the copy of affidavit in reply of Government authorities to all the concerned immediately.

3. Shri M.S. Deshmukh, learned counsel for respondent nos. 4 to 11 & 13 has pressed for keeping the matter for hearing on tomorrow. It is contended that because of the interim order operating in the present matter, the promotions of the eligible candidates are being stalled.

::-2-::

**O.A. NO. 215/2021**

4. Shri Avinash Deshmukh, learned counsel for the applicants submits that after receiving the affidavit in reply of the Government authorities, if the applicants may require to file any rejoinder the same may not be possible to file within a day. In the circumstances, he prayed for adjourning the matter after vacation.

5. S.O. to 7.6.2022.

6. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 5.5.2022

**ORIGINAL APPLICATION NO. 407/2022**  
**(Shri Vijaykumar S. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri P.S. Anerao, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 4.6.2022.
2. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
3. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
4. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
5. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 4.6.2022.
8. Steno copy and hamdast allowed for the use of both the sides.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. 147/2020 IN O.A. 422/2018**  
**(Shri Raghuvir V. Bhosale Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri Raghuvir V. Bhosale - party-in-person and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. After hearing the submissions made by the party in person, we are of the opinion that there is no substance in the Misc. Application filed by the applicant. Therefore, Misc. Application stands rejected without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. ST. 746/2022 IN O.A. ST. 747/2022  
(Shri Vasant D.. Wadile & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri S.S. Kulkarni, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that he will file application for condonation of delay.

3. S.O. to 7.6.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 5.5.2022

**M.A. ST. 800/2022 IN O.A. ST. 801/2022**  
**(Dr. Sanjay K. Muley & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri S.G. Chapalgaonkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 6.5.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 68/2020**  
**(Shri Shivaji S. Chemte Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri M.P. Gandle, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. On 12.4.2022 following order was passed :-

*“Shri M.P. Gondle, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.*

*2. When the present matter is taken up for consideration the applicant and his counsel are absent. The record shows that even on the previous occasion the applicant and his counsel both were absent. In the interest of justice, S.O. to 5.5.2022 by way of last chance.”*

3. On the date previous to that i.e. on 24.3.2022 also no one was present for the applicant. On 17.2.2020 the following order was passed :-

*“Heard Shri M.P.Gandle learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for the Respondents.*

::-2-::

**O.A. NO. 68/2020**

2. *At the request of learned Advocate for the applicant time is granted to take instruction as to whether he intends to withdraw the application.*

3. *S.O. to 12-03-2020.”*

4. It appears that the applicant has lost the interest in prosecuting his matter. In the circumstances, following order is passed :-

**ORDER**

The Original Application stands dismissed for want of prosecution without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**



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

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri S.B. Mene, learned counsel holding for Shri Sanket N. Suryawanshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDERS 5.5.2022

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

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Shri Jiwan J. Patil, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply for respondent nos. 1 & 2. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

3. The applicant is at liberty to file rejoinder affidavit, if any, by the next date.

4. List the matter for hearing on 29.6.2022.

5. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 800/2018**  
**(Dr. Kirankumar L. Bondar Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri V.M. Chate, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 15.7.2022 for hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 723/2021**

**(Shri Dattatraya N. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 15.6.2022 for hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. 193/2022 IN O.A. ST. 749/2022  
(Shri Suryakant H. Dahiphale & Ors. Vs. State of  
Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri S.S. Kulkarni, learned counsel for the applicants and Shri B.S. Deokar learned Presenting Officer for the respondent authorities, are present.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 411/2022**

**(Shri Mahendra Bhausahab Motkar Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 414/2022**

**(Shri Raju Vinod Fulkar Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 415/2022**

**(Shri Sachin Govind Gawali Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 416/2022**

**(Shri Bhausahab Raghunath Bhosale Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 417/2022**

**(Shri Ankush Uttam Nikam Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 408/2022**

**(Shri Bharat Kaluram Lalchhot Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 409/2022**

**(Shri Pavansing Mangalsing Chungda Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,  
Vice Chairman**

**AND**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Heard Shri Shrikant Kulkarni, learned Counsel for the applicants in O.A. Nos. 411, 414, 415, 416, 417 all of 2022, Shri Sandeep D. Munde, learned counsel for the applicants in O.A. Nos. 408 & 409 both of 2022, and S/shri M.P. Gude, I.S. Thorat, B.S. Deokar, V.R. Bhumkar & Smt. M.S. Patni, learned Presenting Officers for the respondent authorities in respective matters.

2. Since in all these matters the grievance raised is identical and the relief which has been prayed is also the same, we have heard common arguments in all these matters and we deem it appropriate to decide all these applications by a common reasoning.

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

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

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

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

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

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

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



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

6. The learned P.Os. appearing for the State authorities have strongly opposed the contentions raised in the present O.As. It is the contention of the learned P.Os. that all the applicants were fully aware of the condition incorporated in the advertisement and knowing full well and having completely aware of the said restriction, the applicants have participated in the selection process. They

submitted that none of the applicant has raised any dispute as about the condition imposed in the advertisement on the basis of which their candidature has been rejected by the respondent authorities. The learned P.Os. submitted that when the applicants did participate in the selection process without raising any objection to the condition so incorporated in the advertisement, cannot now turn around and question the method of selection and its outcome. Reliance is also placed by the learned P.Os. on the decision of the Hon'ble Supreme Court in the case of **Ramesh Chandra Shah and Others Vs. Anil Joshi and Others in Civil Appeal Nos. 2802-2804 of 2013 (arising out of SLP (C) Nos. 30581-30583 of 2012)**. The learned P.Os. further contended that the applications of the present applicants are liable to be rejected on one more ground that none of them has disclosed the entire facts in their respective O.As. The learned P.Os. submitted that while filling in the application online for second time, in the form so generated a warning has appeared that if the candidate has filled in an application previously, then it is impermissible to fill or apply second time and if so happens the respondents have every right to reject his candidature. In spite of said warning these applicants have in utter violation of the condition in the advertisement and ignoring the warning have applied for the same post in another

District. In the circumstances, according to the learned P.Os., no illegality or error can be found with the decision taken by the respondents not to consider the present applicants for their appointment on the subject post.

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

incorporating clause 11.10 in the advertisement, the fundamental right under article 19 of the Constitution has been violated.

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

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

*“7. In the present case in the advertisement the Respondent office of Additional Director General of Police has disallowed the candidates to apply for the same posts in different units. However, consequence of applying in more than one unit is not mentioned in the advertisement. The Respondent appointing authority has debarred the candidature on the basis of clause 11.10 which is mentioned in the advertisement. It appears that the intention of the Respondent State while including this clause was to avoid duplication of the candidature to facilitate the opportunity to more*

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

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

*“8. The letter dated 28.04.2016 pointed out by the learned Advocate for the Applicant discloses that earlier in the year 2014 the Recruitment of the Police*

*Constable, similar condition was imposed and in the similar manner the C.P. of Nagpur has treated them ineligible and cancelled their candidature. However, the Government by letter dated 17.12.2015 has taken decision for their selection in the Government service and has issued Circular dated 20.04.2016. Their selection was upheld and the letter dated 20.04.2016 is also about giving appointment to those candidates whose candidature was cancelled on account of their applications at more than one unit.”*

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

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

12. The applicants were admittedly called upon by the computer system to submit an undertaking that information submitted by them is correct. The text of undertaking reads as under :-

***“Undertaking before logging on to the registration portal –***

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

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

***Before submitting the form – Undertakings***

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

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

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

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

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

*“Warning : A similar record was found in applicants list. If identified that the duplicate registration was deliberately created, the Departments holds the authority to reject / disqualify the candidate and no*



*refund shall be provided. Please ignore the message and continue your registration if this is your only registration profile.”*

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

**ORDER**

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

::-13-::

**O.A. NO. 411/2022 & Ors.**

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO. 749/2022**

**(Shri Suryakant H. Dahiphale & Ors. Vs. State of Maharashtra & Ors.)**

**ORIGINAL APPLICATION NO. 414/2022**

**(Shri Ramesh Sahebrao Dhanvat Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Heard Shri S.S. Kulkarni, learned counsel for the applicants in O.A. St. 749/2022, Shri V.S. Kadam, learned counsel for the applicant in O.A. NO. 412/2022 and Shri B.S. Deokar & Smt. M.S. Patni, learned Presenting Officers for the respondent authorities in respective matters.

2. Since in both these matters the grievance raised is identical and the relief which has been prayed is also the same, we have heard common arguments in both these matters and we deem it appropriate to decide both these applications by a common reasoning.

3. The applicants in both these applications had applied for the post of S.R.P.F. Constable in pursuance of the advertisement dated 30.11.2019 issued by the Additional Director General of Police in that regard. All these applicants have applied for the said post in more than one district. There was stipulation in the advertisement that

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**O.A. ST. NO. 749/2022 & Other**

for one post in one unit not more than one application will be entertained. We deem it appropriate to reproduce Clause 11.10 in the said advertisement as it is in vernacular, which reads as under :-

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

एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा जास्त अर्ज सादर करता येणार नाहीत.

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

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

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

4. It is the common contention of the applicants in both these matters that the restriction so imposed by the

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

5. The learned counsel submitted that arising out of the same advertisement issued on 30.11.2019 some of the aggrieved candidates have preferred the Original Applications at Principal Bench of the Tribunal at Mumbai, as well as, at Nagpur Bench and the principal Bench at Mumbai, as well as, Nagpur Bench have allowed the applications so filed and have directed the respondents to consider the applicants in the said Original Applications for their appointments on the post of Police Constable Driver, if they are found otherwise entitled. The order passed by the principal Bench at Mumbai in O.A. No. 144/2022 (Shri Amit Harischandra Daphal Vs. the State of Maharashtra &

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

6. The learned P.Os. appearing for the State authorities has strongly opposed the contentions raised in the present O.As. It is the contention of the learned P.Os. that all the applicants were fully aware of the condition incorporated in the advertisement and knowing full well and having completely aware of the said restriction, the applicants have participated in the selection process. He submitted that none of the applicant has raised any dispute as about the condition imposed in the advertisement on the basis of which their candidature has been rejected by the respondent authorities. The learned P.Os. submitted that when the applicants did participate in the selection process without raising any objection to the condition so incorporated in the advertisement, cannot now turn

around and question the method of selection and its outcome. Reliance is also placed by the learned P.Os. on the decision of the Hon'ble Supreme Court in the case of Ramesh Chandra Shah and Others Vs. Anil Joshi and Others in Civil Appeal Nos. 2802-2804 of 2013 (arising out of SLP (C) Nos. 30581-30583 of 2012). The learned P.Os. further contended that the applications of the present applicants are liable to be rejected on one more ground that none of them has disclosed the entire facts in the O.As. The learned C.P.O. submitted that while filling in the application online for second time, in the form so generated a warning has appeared that if the candidate has filled in an application previously, then it is impermissible to fill or apply second time and if so happens the respondents have every right to reject his candidature. In spite of said warning these applicants have in utter violation of the condition in the advertisement and ignoring the warning have applied for the same post in another District. In the circumstances, according to the learned P.Os., no illegality or error can be found with the decision taken by the respondents not to consider the present applicants for their appointment on the subject post.

7. We have carefully considered the submissions advanced by the learned counsel appearing for the applicants and the learned Presenting Officer appearing for

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

8. The order passed by the Nagpur Bench in O.A. No. 22/2022 (Ms. Pushpa Ramkaran Yadav Vs. The State of Maharashtra & 3 Ors.) along with other O.As. dated 31.3.2022 was cited before the principal Bench. While allowing O.A. No. 22/2022 the Nagpur Bench has held that the applicants in those O.As. cannot be held to have



incurred disqualification on account of making more than one application for the same post in more than one unit. Nagpur Bench has therefore directed the respondents therein to consider the candidature of such candidates on their own merits and in accordance with law.

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

*“7. In the present case in the advertisement the Respondent office of Additional Director General of Police has disallowed the candidates to apply for the same posts in different units. However, consequence of applying in more than one unit is not mentioned in the advertisement. The Respondent appointing authority has debarred the candidature on the basis of clause 11.10 which is mentioned in the advertisement. It appears that the intention of the Respondent State while including this clause was to avoid duplication of the candidature to facilitate the opportunity to more candidates and to avoid duplication and administrative chaos and to provide opportunity to more candidates. However, if one candidate makes applications in three to four units and appears for the examination at two places and even if they are selected in two places it will not lead to administrative chaos because one person cannot take the Government appointments at two different places. Thus he will take up the appointment at only one District and will withdraw from the process in the other unit. This will lead to vacancy of the said selected posts. However that can be filled-up by appointing the candidates from wait list. Thus there would not be duplication of the process. Moreover such restrictions of not allowing the citizens to apply at two to three units or the place of*

*their choice in the State will amount to restricting their fundamental right which is guaranteed under right to freedom and right of taking employment, education on the place of his choice under Article 19 of the Constitution of India. This condition cannot be treated as a reasonable restriction but it is erroneous restriction and therefore we are not inclined to uphold the cancellation of the candidature of these applicants on the ground of submitting applications in different units for the same post and appearing for the examination at more than one place. The person had choice to apply to the post if at all he is eligible. His freedom to choose cannot be restricted by putting any condition, if at all the person is otherwise eligible in respect of all criteria.”*

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

:-

*“8. The letter dated 28.04.2016 pointed out by the learned Advocate for the Applicant discloses that earlier in the year 2014 the Recruitment of the Police Constable, similar condition was imposed and in the similar manner the C.P. of Nagpur has treated them ineligible and cancelled their candidature. However, the Government by letter dated 17.12.2015 has taken decision for their selection in the Government service and has issued Circular dated 20.04.2016. Their selection was upheld and the letter dated 20.04.2016 is also about giving appointment to those candidates whose candidature was cancelled on account of their applications at more than one unit.”*

10. The argument has been advanced in the present matters by the learned Presenting Officers that after having

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

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

12. The applicants were admittedly called upon by the computer system to submit an undertaking that information submitted by them is correct. The text of undertaking reads as under :-

*“Undertaking before logging on to the registration portal –*

*1. I have read and understood the Advertisement carefully before filling in the form.*

2. *I have scanned my photograph and signature ready on my desktop confirming to the specified standards as mentioned in the Advertisement.*

3. *I have downloaded the online Advertisement and read it carefully before filling the form.*

4. *I have the details for payment (Credit Card / Debit Card / Internet Banking) available with me for making online payment.*

5. *I agree that my application form will be treated as complete only if I finally submit the application along with the payment of necessary fees.*

6. *I agree to bear the payment gateway additional charges.*

7. *Candidates are advised that, before filling online application, they should first check the vacancy statement of the concerned Unit and category in which they want to apply and should verify that such vacancy exists. Application and candidature of candidates applying to categories which are not available in particular Unit are liable to be rejected at any stage of recruitment. Such candidates will also not be able to claim any refund of the application fees made in such case.*

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

*Before submitting the form – Undertakings*

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

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

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

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

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

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

14. However, having regard to the orders passed by the principal Bench at Mumbai and at Nagpur Bench, we may

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

O R D E R

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

::-13-::

**O.A. ST. NO. 749/2022 & Other**

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.154/2021**  
**(Surendra s/o. Hanmanloo Gandam Vs. State of Maharashtra**  
**& Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. The present O.A. is filed seeking following reliefs (p.b.p.16, 16-A, 16-B, 17):

*“A. Rule be issued and if possible the original application be heard and decided at the admission stage itself.*

*B. The record pertaining to impugned punishment and non consideration of the petitioner for grant of promotion to the post of Deputy Superintendent of Police from SBC Category, may kindly be summoned from the office of the respondent.*

*B-1. Sub para*

*The necessary directions be given to all the respondents to kindly prepare a fresh common service seniority list and deemed date of eligibility*



=2=

O.A.NO.154/2021

*by including the name of the applicant and all the consequential financial gain/benefits may be awarded/given from the actual date on which applicant is eligible for getting promotion to the post of Deputy Superintendent of Police from the open category by fixing the deemed date and by preparing fresh service seniority list including the name of the applicant. (This prayer clause is amended in view of clarification given in ground 5(d)(i) on page No.11-A).*

*C. By issuing appropriate Order or directions the respondents be directed to decide the pending administrative review appeals dated 4.9.2019, 25.9.2019, 4.10.2019 and 18.10.2019 against the imposition of punishment of stoppage of one increment in respect of the instances at Ambajogai, Georai, Dharur of District Beed and Pusad of Yeotmal District within a period of one month;*

*[C(i)] The applicant prays that, his case be considered for getting the pensionary benefits; from the date of his eligibility i.e. from the year 2004 which is also considered as being base year and all the monitory benefits which was entitled for the post of Dy. S.P./A.C.P. be awarded to the applicant alongwith the @ 8% rate of bank interest till the actual disbursement of the same in the bank account of applicant.*

*[C-(ii)] The applicant prays that, his name may be get deleted the Respondents No.1 to 5 from the initiation of proceedings which was happened to the on the basis of the letter of communication 13/08/2021, the District Superintendent of Police, Jalna to Directorate General of Police, Maharashtra State, Mumbai and for which the*

*Government of Maharashtra may be directed to issue the Government Resolution to that extent and Respondents No.1 & 5 as well as the Respondents No.2 to 4 may be directed to act upon accordingly.*

*D. By issuing appropriate Order or directions, the respondents be directed to grant the petitioner deemed date of promotion to the post of Deputy Superintendent of Police and grant all consequential benefits.*

*[D(i)] The applicant prays that, the Respondents No.3 & 5 deserves to be issued with the notice of show cause as to why the action of contempt of the court should not be taken against them as they had engaged in the business of mis-interpreting the Hon'ble High Court order dated 01/09/2005 in W.P.No.09/2017 in the matter of applicant herein only.*

*In view of the above it is requested that, the jurisdiction of contempt lies with the Hon'ble High Court of Bombay, Bench at Aurangabad and same proceeding may kindly be transmitted by this Tribunal for further action as in the matter as the Respondents No.3 & 5 are observed to be a willful contempt of the Hon'ble High Court as well as this Tribunal as the entire exercise with regard to the contempt which was happened before this Hon'ble Tribunal during the pendency of this original application.*

*E. By issuing appropriate Order or directions the respondents be directed to complete the process of verification of the Service Book, sending the same to the Accountant General, Nagpur-II for grant of pension and other pensionary benefits; ”(reproduced ad-verbatim from O.A. p.b.p.16, 16-A, 16-B, 17)*

=4=

O.A.NO.154/2021

3. It is the contention of the applicant that when the Hon'ble High Court has protected his appointment and accordingly when he has completed 33 years period of service with the respondents, he has become entitled for the benefits of notional promotions and the increase of pay scales etc., which may materially increase the amount of his pension also. It is the contention of the learned Counsel that the applicant belongs to Munnerwarlu caste which has been subsequently brought in the category of Special Backward Class (SBC) and the applicant has produced the caste certificate as well as the caste validity certificate. It is, therefore, contention of the applicant that he deserves to be given due promotions as well as the due pay scales and the arrears of the said emoluments.

4. Learned P.O. has resisted the submissions so made on behalf of the applicant. Learned P.O. pointed out that the Hon'ble High Court has on the basis of G.R. dated 15-06-1995 passed an order protecting services of the

applicant, however, the decision of invalidating his caste has not been disturbed by the Hon'ble High Court. Learned P.O. submitted that the applicant is not entitled for any relief as has been claimed by him in the O.A.

5. We have carefully considered the submissions advanced by the applicant as well as the learned P.O. It is not in dispute that the applicant entered into the Government service on the basis of his caste which he had claimed to be Munnerwarlu i.e. Scheduled Tribe (S.T.) It is also not in dispute that the applicant failed in obtaining caste validity certificate. It is also not in dispute that against the decision of the caste scrutiny committee invalidating his caste certificate, applicant had approached the Hon'ble High Court by filing Writ Petition No.09/1997. Said Writ Petition came to be decided on 01-09-2005. The Hon'ble High Court has not caused any interference in the decision rendered by the Caste Scrutiny Committee. Thus, the fact remains that the applicant has failed in proving that he belongs to Munnerwarlu caste. However, while

disposing of the Writ Petition, Hon'ble High Court on the basis of the G.R. dated 15-06-1995 has protected the initial appointment of the petitioner made on the post of PSI in the year 1989.

6. In view of the aforesaid order, the applicant was continued further in service and he was allowed to retire after attaining age of superannuation. After having considered the facts as aforesaid, it does not appear to us that the applicant was entitled for any further relief as has been claimed by him in the present O.A. The contention of the applicant that since he was continued in service, he was entitled to further promotions as well as higher pay scales, if is considered in light of the order passed by the Hon'ble High Court, appears to be unacceptable and is liable to be rejected.

7. It seems that the applicant subsequently secured caste certificate showing his caste as Munnerwar. It is the contention of the applicant that said caste falls in the category of SBC. It is further contended that the caste

scrutiny committee has duly validated the said caste certificate. The contentions so raised are not of any help to the applicant making him entitled for the benefits which he has prayed in the present O.A.

8. We reiterate that the applicant entered into the Government services by claiming his caste to be Munnerwarlu which falls in the category of ST and taking benefits of the said caste. Applicant admittedly failed in obtaining caste validity certificate. The respondents have, therefore, decided to terminate his services. The applicant approached the Hon'ble High Court against the order passed by the caste scrutiny committee but could not get any relief. As noted hereinabove, Hon'ble High Court did not cause any interference in the order passed by the caste scrutiny committee. However, on the basis of G.R. dated 15-06-1995 passed the order thereby protecting his initial appointment. In the circumstances, the applicant is not entitled for any benefit on the basis of his subsequent caste

=8=

O.A.NO.154/2021

certificate showing him to be belonging to Munnerwar caste which falls in SBC.

9. After having considered the facts and circumstances involved in the matter we do not see any merit in the O.A.. In the result, following order is passed.

O R D E R

- (i) O.A. stands rejected.
- (ii) There shall be no order as to costs.

**MEMBER (A)**

YUK ORAL ORDERS 05.05.2022

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.742/2021**  
**(Dr. Pratap H. Salve & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. When the present matter is taken up for consideration, it is noticed that the respondents have not yet filed reply though the O.A. has been filed way back in the year 2021. Learned Counsel for the applicants submits that process of filling the promotional posts of Civil Surgeon is expected but the applicants are kept out of consideration for promotion on the said posts for erroneous reasons. Learned Counsel submitted that candidates having merely degree of MBBS are also likely to be considered for the said appointments.



=2=

O.A.NO.742/2021

3. Learned Counsel in the circumstances has prayed for interim relief to the effect that the respondents be directed to consider the candidature of the present applicants for the post of Civil Surgeon. This is the final relief claimed in the O.A. In the circumstances, we are not inclined to grant such relief at this interim stage. **However, we clarify that in the meanwhile, if promotions are made to the post of Civil Surgeon, those promotions will be subject to outcome of the present O.A.**

4. Reply is to be filed on or before next date i.e. 16-06-2022. If the reply is not filed on the said date, officer responsible for not filing reply will be saddled with costs of Rs.5,000/- (Rupees Five Thousand Only).

5. S.O. to 16-06-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

Shri Parag Bhosale, learned Advocate for respondent no.5 (O.A.832/16) and Shri P.S.Dighe, learned Advocate for respondent no.4 (O.A.832/16) are **absent**.

2. By an order dated 19.04.2022, Commissioner, Sports & Youth Services, M.S. Pune was required to remain personally present before the Tribunal on 04.05.2022 to assist the Tribunal in resolving the dispute raised in the present O.A., taking into account facts in respect of allegations made in the present O.A. reflecting on sanctity of the selection process in general and selection of certain candidate not eligible for the same in particular. However, the Commissioner, Sports & Youth Services did not remain present on the day and did not inform his constraints in remaining present, if any. This Tribunal had expressed its displeasure about this and hearing of the matter was adjourned to 05.05.2022 requiring him to remain present.

=2=

M.A.NO.348/2021 IN O.A.NO.832/2016

3. On 05.05.2022, the Commissioner, Sports & Youth Services has tendered apology for his absence on 04.05.2022 without informing and seeking leave of absence from the Tribunal through the learned Chief Presenting Officer. The same is accepted by the Tribunal.

4. On 05.05.2022, the learned Presenting Officer has submitted a copy of communication received from the Commissioner, Sports & Youth Services, dated 05.05.2022 accompanied by a notice for meeting dated 28.04.2022 convened under Chairmanship of Hon'ble Minister (Sports & Youth Welfare) scheduled at 12.00 noon at Mantralaya, Mumbai regarding organizing F1 H2O Power Boat World Championship Competition, seeking leave of absence from appearing before the Tribunal in person. The leave is granted.

5. The learned Presenting Officer also submitted a copy of proposal dated 24.06.2021 submitted by the Commissioner (Sports) to the Respondent No. 3, i.e. Additional Chief Secretary, School Education and Sports Education. Govt. of Maharashtra proposing departmental enquiry against three officers /employees, namely, Shri Janak Shrirang Tekale, Retired Deputy Director, (Sports & Youth Services) Pune; Shri Vijay Santan, the then in- charge Deputy Director (Sports & Youth Services) Pune and Shri Amit Khomane, the then Junior Clerk, Sports & Youth Services,

=3=

M.A.NO.348/2021 IN O.A.NO.832/2016

Pune, for irregularities committed by them in four different recruitment processes as per following details:-

- a) *Advertisement dated 08.05.2016: for 7 posts of Junior Clerks and 1 of Driver, total 8 posts;*
- b) *Advertisement dated 23.06.2016: for 5 posts of Junior Clerk and 3 posts of Driver, total 8 posts;*
- c) *Advertisement dated 29.12.2016: for 2 posts of Junior Clerk, 4 posts of workers and 2 posts of Peon, total 8 posts; and*
- d) *Advertisement dated 30.12.2016: for 1 post of Peon and 7 posts of watchmen, total 8 posts*

6. From the facts on record and oral submissions made by the learned senior counsel for the applicant and the learned C.P.O. under instructions from the representative of the Directorate of Sports & Youth Services present during hearings on a number occasions and facts appearing on the face of the Commissioner's report dated 24.06.2021 (*supra*), it is inferred that several irregularities have been committed by the delinquent officers/ employees against whom departmental enquiry has been proposed by the Commissioner (Sports & Youth Services), such as, through the advertisement, only on-line applications had been invited but a number of applications appear to have been accepted in off-line mode without giving supplementary advertisement to that effect; as a result, scope has been created to appoint anybody who may not have applied through due process of submission of online application. In this context, case of one Shri Mahadeo

=4=

M.A.NO.348/2021 IN O.A.NO.832/2016

Vitthal Thorat is being cited who had been issued appointment on the post of Driver and appointment of one Shri Swapanil Raju Pawar, Sweeper; whereas, as per the report of the Commissioner (Sports) Shri Mahadeo Vitthal Thorat and Shri Swapanil Raju Pawar had not participated in the selection process. Further, one Shri Sagar Kokane from NT-C social reservation category was given appointment against NT- B category while the Applicant who belonged to the NT-B category participated in the selection process and was available for appointment. Yet another candidate, namely, Shri Pratik Ramesh Shinde from Hindu Maratha community was appointed when the vacancy was notified only for NT-A and Special Backward Class. He was only 17 years 4 months and 19 days old as on reference date mentioned in the advertisement still he was selected in violation of the age related eligibility criteria advertised earlier.

7. The Tribunal has been facing serious information black-out due to Respondent No. 3 having authorized Respondent No. 1 to file affidavit in reply and represent him during hearings by the Tribunal whereas, from the report of Commissioner (Sports), it is inferred that it is the office of Respondent No.1 which has been deeply involved in committing irregularities alleged in the O.A and getting mentioned in subsequent submissions made on behalf of

the Applicant. Moreover, it has been brought to the notice of the Tribunal that the office of Respondent No. 3 has not taken any cognizance of the report submitted by the Commissioner (Sports) dated 24.06.2021 (*supra*) even though any departmental action against the main delinquent Shri Janak Shrirang Tekade, retired Deputy Director (Sports & Youth Services) is getting time barred and about 10 months have passed since the said report had been submitted to Respondent No. 3.

8. It is also noticed with serious concern that as per guidance issued by the Commissioner (Sports & Youth Services) vide his letter dated 05.12.2019, the present in-charge Deputy Director (Sports & Youth Services) Pune had reported on 29.06.2020 the incident of appointment of Shri Mahadeo Vitthal Thorat who had not participated in recruitment process, to the Police out-post, Yeravada Pune and Police Commissioner, Pune. However, by that time, no action was taken to initiate departmental enquiry against Shri Tekale which would have been action within time-limit prescribed in respect of retired civil servant under Maharashtra Civil Services (Pension) Rules, 1982.

9. Though the Tribunal refrains from calling senior government officers for personal presence or from insisting on filing of affidavit personally by senior officers, but in the instance case, effort made to get assistance from the

=6=

M.A.NO.348/2021 IN O.A.NO.832/2016

officers of the department who are sub-ordinate to the Respondent No. 3 has not yielded desired results. Therefore, we are constrained to direct the Respondent No. 3 i.e. the Additional Chief Secretary / Principal Secretary, Department of School Education, Sports, Government of Maharashtra to look into the matter personally, enquire in to the irregularities in the instant recruitment process in general and irregularities which have been brought to notice of the Tribunal in particular, gist of which has been mentioned in preceding paras and take necessary departmental / legal action against culprit, based on merit of the matter. He is also directed to decide whether in fitness of things the entire selection process is to be cancelled following due process or in alternative, the process of recruitment can be saved by eliminating elements of irregularities. In the latter case, the claim of the applicant in the Original Application No. 832/2016 may be decided on merit under intimation to the applicant in writing, by speed post. Respondent No. 3 is required to complete this process within a period of six weeks from the date of receipt of this order and thereafter, submit a personal affidavit about compliance of this order within a further period of two weeks.

10. S.O. to 30.06.2022.

**MEMBER (A)**

YUK ORAL ORDERS 05.05.2022

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.245/2022**  
**(Mahendra Wadgaonkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri Mahendra Wadgaonkar, applicant (party in person) has filed **leave note** on record. Smt. M.S.Patni, learned Presenting Officer for the respondents is present.

2. S.O. to 16-06-2022.

**MEMBER (A)**

**VICE CHAIRMAN**



**M.A.NO.51/2019 IN O.A.ST.NO.354/2017  
(Ashruba Jaybhaye Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri M.B.Kolpe, learned Advocate holding Smt. Renuka Ghule, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

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

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**M.A.NO.82/2021 IN O.A.NO.34/2011  
(Bharat Sangale Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri S.R.Kedar, learned Advocate for the applicant is  
**absent.** Smt. Sanjivani Ghate, learned Presenting Officer  
for the respondents, are present.

2. S.O. to 15-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**M.A.NO.306/2021 IN O.A.ST.NO.1305/2021  
(Kiransingh Pal Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Advocate for respondent nos.3 and 4, are present.

2. S.O. to 04-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**M.A.NO.398/2021 IN O.A.ST.NO.1666/2021  
(Sadashiv Shingare Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri H.P.Jadhav, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 04-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**M.A.NO.56/2022 IN O.A.NO.405/2021  
(Dinesh Karande Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri S.S.Kulkarni, learned Advocate for the applicant is **absent**. Smt. Sanjivani Ghate, learned Presenting Officer for the respondents is present.

2. S.O. to 08-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.201/2016**  
**(Sayyed Habib & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri V.B.Wagh, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 01-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.119/2018**  
**(Jyoti L. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri M.B.Kolpe, learned Advocate holding for  
Shri S.N.Patne, learned Advocate for the applicant and  
Smt. Sanjivani Ghate, learned Presenting Officer for the  
respondents, are present.

2. S.O. to 08-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri Prafull Patil, learned Advocate holding for Shri Prakashsingh B. Patil, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 04-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**



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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri R.P.Bhumkar, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 29-06-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.903/2018**  
**(Dr. Jalindar Ambhore Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri A.C.Deshpande, learned Advocate for the applicant is **absent**. Smt. Sanjivani Gahte, learned Presenting Officer for the respondents is present.

2. S.O. to 05-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.79/2019  
(Prakash Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**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 05-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.171/2019**  
**(Dr. Vaishali Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri J.S.Deshmukh, learned Advocate for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri B.N.Gadegaonkar, learned Advocate for respondent no.4, are present.

2. S.O. to 29-06-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.435/2019  
(Sadhu Lohar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri H.A.Joshi, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 01-07-2022.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 112 OF 2022  
(Bharat D. Raut Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. The present matter has already been treated as part heard.
3. By consent of both the sides, S.O. to 07.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 288 OF 2021**  
**(Shubham K. Shreebhate Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri P.V. Suryawanshi, 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 24.06.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022

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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

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

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022



**ORIGINAL APPLICATION NO. 189 OF 2020**  
**(Mamta S. Vispute Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 06.07.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO. 186 OF 2020  
(Sachin H. Kendre Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri A.B. Kale, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4. Shri S.A. Ambad, learned Advocate for respondent No. 5, **absent**.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 56 OF 2020**  
**(Anil S. Barkul Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri K.D. Khade, learned Advocate for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 15.06.2022 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 889 OF 2019**  
**(Vijaykumar G. Birajdar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri U.E. Hude, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 15.06.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022

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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 15.06.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO. 564 OF 2019**  
**(Vijay M. Lad Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri D.T. Devane, learned Advocate for respondent No. 5.

2. By consent of both the sides, S.O. to 05.07.2022 for final hearing.

**MEMBER (J)**

**O.A. Nos. 963/2018, 964/2018 & 965/2018**  
**(Vitthal G. Mhashal & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri R.J. Godbole, learned Advocate for the applicants in all these O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 22.06.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO. 395 OF 2017**  
**(Shobha R. Pathak Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 & 3.

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

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 465 OF 2021**  
**(Azad K. Patel Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri B.S. Deshmukh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri V.B. Wagh, learned Advocate for respondent Nos. 3 to 6.

2. At the request of learned Advocate for the applicant, S.O. to 06.05.2022 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 712 OF 2021**  
**(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 06.05.2022 for final hearing.

**MEMBER (J)**

KPB ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO. 177 OF 2018**  
**(Gangadhar M. Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri R.K. Ashtekar, learned Advocate for the applicant and Shri V.R. Bhumkar, 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 14.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 508 OF 2021  
(Navanath N. Sabale Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. By consent of both the sides, S.O. to 06.06.2022 for final hearing. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.407 OF 2019**  
**(Sadhana U. Borse @ Sadhana S. Pachpol Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Smt. Suchita Dhongde, learned Advocate holding for Smt. Amruta Paranjape, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 & 5. Shri Hemant P. Deshmukh, learned Advocate for the respondent No.4, is **absent**.

2. Record shows that affidavit-in-reply is only filed on behalf of the respondent No.4.
3. Respondent No.5 is newly added respondent.
4. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 3 & 5.
5. S.O. to 01.07.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.403 OF 2020  
(Atul T. Jatale Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 24.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.579 OF 2020**

**(Dr. Shaikh A. Fatima Abdul Hafiz Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 24.06.2022.

**MEMBER (J)**

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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri Sanket N. Suryawanshi, learned Advocate for the applicant, is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.5.

3. S.O. to 17.06.2022. Interim relief granted earlier to continue till then.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022



**ORIGINAL APPLICATION NO.328 OF 2021**  
**(Vijaykumar G. Biradar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-sur-rejoinder on behalf of the respondents.

3. S.O. to 04.07.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.524 OF 2021**  
**(Hanumant R. Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

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

3. S.O. to 29.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.538 OF 2021**  
**(Manohar K. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri U.P. Giri/S.L. Puri, learned Advocates for the applicant, is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 4 and Shri S.B. Jadhav, learned Advocate for the respondent No.5.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.

3. At the request of learned P.O., and learned Advocate for the respondent No.5, time is granted for filing affidavit-in-reply on behalf of the respondent Nos.4 & 5.

4. S.O. to 28.06.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.592 OF 2021  
(Khandu H. Wane Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 04.07.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.163 OF 2022**  
**(Dr. Suhas S. Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 3.

3. Shri R.S. Pawar, learned Advocate appears on behalf of the respondent No.4 and seeks time for filing VAKALATNAMA on behalf of respondent No.4 and for filing affidavit-in-reply.

4. S.O. to 07.06.2022.

**MEMBER (J)**

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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri M.A. Golegaonkar, learned Advocate for the applicant, is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 27.06.2022 for taking necessary steps.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.322 OF 2022**  
**(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O.to 28.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.328 OF 2022  
(Ashok B. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. Learned Advocate for the applicant submits that the notice issued to the respondent No.1 is returned contending that the address is not correct.

3. In view of above, learned Advocate for the applicant seeks permission to correct the address of the respondent No.1.

4. Permission to correct the address of the respondent No.1 is granted.

5. Learned Advocate for the applicant further submitted that during pendency of the Original Application, the proposal dated 06.06.2009 (Annex. 'A-11') submitted by the respondent No.2 to the respondent No.1 is rejected vide order dated 12.11.2021.

6. In view of same, learned Advocate for the applicant seeks leave to bring the subsequent



//2//

O.A.328/2022

development on record by amending the Original Application suitably.

7. Leave as prayed for is granted.

8. The applicant to carry out amendment within the period of one week and to serve the copy of amended O.A. on the side.

9. Issue fresh notice to the respondent No.1, returnable on 27.06.2022.

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

11. 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.

12. 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.

//3//

O.A.328/2022

13. 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.

14. S.O. to 27.06.2022.

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

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.329 OF 2022**  
**(Sureh M. Jagtap Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

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

4. S.O. to 28.06.2022 for filing affidavit-in-rejoinder, if any.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.372 OF 2022**  
**(Babasaheb S. Korekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

3. S.O. to 21.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**M.A.NO.410 OF 2021 IN O.A.NO.675 OF 2021**  
**(Dr. Balaji M. Mirkute Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri V.B. Wagh, learned Advocate for the respondent No.5. Shri A.B. Shinde, learned Advocate for the respondent No.4, is **absent**.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 3.

3. S.O. to 09.06.2022. Interim relief granted earlier in M.A. to continue till then.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**M.A.NO.127 OF 2022 IN O.A.ST.NO.521 OF 2022  
(Dilip R. Gavit & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri A.D. Mane, learned Advocate holding for Shri A.S. Sawant, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents in M.A.

3. S.O. to 01.07.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**M.A.NO.162 OF 2022 IN O.A.ST.NO.608 OF 2022  
(Nandkishor A. Awile Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents in M.A.

3. S.O. to 27.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.332 OF 2022  
(Rohit B. Salve Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri P.G. More, learned Advocate holding for Shri S.N. Pagare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 15.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022



**ORIGINAL APPLICATION NO.341 OF 2022**  
**(Shaikh Shafiquedin Shaikh Ahmed Vs. State of Maharashtra**  
**& Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri N.P. Dube, learned Advocate holding for Shri P.D. Jarare, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.395 OF 2022**  
**(Rajkamal V. Ugile Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**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. Issue notice to the respondents, returnable on 22.06.2022.

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.

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O.A.395/2022

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 22.06.2022.

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

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.396 OF 2022**  
**(Susrusha A. Wakale Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The Original Application is filed challenging the impugned order dated 19.05.2021 (wrongly typed as 19.05.2020) (Annex. 'A-1') rejecting representation of the applicant for inclusion of name in the waiting list of compassionate appointees on the establishment of the respondent No.5 on the strength of the G.R. dated 28.03.2001.

3. Upon perusal of the Original Application and more particularly contents of paragraph Nos.vii, viii and ix it seems that the applicant has raised specific contention in respect of G.R. dated 28.03.2021 relating to small family stating that the said G.R. should have a prospective effect in respect of the employees, who are recruited on or after 28.03.2001 immediately.

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O.A.396/2022

4. The deceased Government servant left behind him 4th son namely Sumedhshri Wakale born in the family after appointed date of 31.12.2001 i.e. on 11.01.2003.
5. In the circumstances, in my considered opinion, the matter is required to be placed before the Divisional Bench for further consideration.
6. S.O. to 17.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.404 OF 2022**  
**(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. Issue notice to the respondents, returnable on 21.06.2022.

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.

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O.A.404/2022

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 21.06.2022.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO.405 OF 2022**  
**(Sujata R. Parsode & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri B.G. Deshmukh, learned Advocate holding for Shri B.N. Gadegaonkar, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 22.06.2022.

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

4. Applicants are 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.



//2//

O.A.405/2022

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. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 22.06.2022.

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

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.406 OF 2022**  
**(Pandit K. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri B.R. kedar, learned Advocate for the applicants, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicants, S.O. to 23.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.410 OF 2022**  
**(Anand T. Chintakute Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

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

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. Pleadings are complete. The matter is pertaining to higher pay scale and arrears. It is admitted and fixed for final hearing on 21.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.551 OF 2020**  
**(Kiran P. Pathare Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

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

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.226 OF 2021**  
**(Khilesh K. Chaudhari Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri T.R. Daware, learned Advocate holding for Shri P.S. Gaikwad, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 04.07.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.79 OF 2022**  
**(Datta G. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri A.B. Rajkar, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No.1 and Shri S.B. Mene, learned Advocate for the respondent Nos.2 & 3.

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

3. S.O. to 24.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**M.A.NO.89 OF 2020 IN O.A.NO.632 OF 2019**  
**(Ashok M. Prakashkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Shri D.M. Pingale, learned Advocate for the applicant, is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that nobody is appearing on behalf of the applicant since 28.02.2022.
3. In view of same, it appears that the applicant is not interested in prosecuting the application. Hence, the application is dismissed in default.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022



**M.A.NO.120 OF 2022 IN O.A.NO.99 OF 2018**  
**(Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. By this application the applicant is seeking amendment in the Original Application to bring on record the subsequent development.

3. The Original Application was filed challenging the impugned communications of the respondent No.4 dated 19.08.2017 and 04.09.2017 (Annex. 'A-4') referring the applicant for Medical Examination contending that the said cause is being unwarranted and uncalled for in view of Circular dated 16.05.2009 issued by the respondent No.3 and G.R. dated 06.10.2012 issued by the respondent No.2 and seeking direction to the respondent No.4 to allow the applicant to perform his duties as before, in terms of the disability certificates at Annexure 'A-1' & Annexure 'A-2' and to reimburse expenses incurred by the applicant for various medical tests.

//2//

M.A.120/2022 In  
O.A.99/2018

4. It is contended that during pendency of the Original Application, the respondent No.4 issued letter dated 30.10.2020 (Page No.10 of P.B. of this M.A.) treating the absence period of the applicant from 19.08.2017 to 30.12.2017 as earned leave of 132 days and further absence period of 31.12.2017 to 02.04.2018 as Extra Ordinary Leave of 94 days.
5. It is contention of the applicant that issuance of letter is further development in respect of cause of action already pleaded in the Original Application.
6. Learned P.O. for the respondents opposed the amendment application.
7. After having considered the proposed amendment it appears that in the Original Application there is pleading about certain absence period of the applicant and referring the applicant to the Medical Board which the applicant has challenged. Subsequently, the absence period is treated as Earned Leave and Extra Ordinary Leave which also the applicant intends to challenge.
8. In the circumstances, it cannot be said that the proposed amendment in going to change the nature of

//3//

M.A.120/2022 In  
O.A.99/2018

proceedings. In fact the proposed amendment would be just and necessary to determine the real question of controversy between the parties. Hence I proceed to pass the following order:-

**ORDER**

- (i) The Misc. Application No.120/2022 in O.A.No.99/2018 is allowed.
- (ii) Amendment as prayed for is granted.
- (iii) The applicant to carry out the amendment within the period of 2 weeks from the date of this order and to serve the copy of amended O.A. on the other side.
- (iv) No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.99 OF 2018**  
**(Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned Advocate for the applicant, S.O. to 17.06.2022.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.252 OF 2020**  
**(Harikishan D. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent No.4 and Shri Shamsundar B. Patil, learned Advocate for the respondent Nos.1 to 3.

2. The present matter is closed for order.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.889 OF 2018**  
**(Sayyed Matinoddin Aminoddin Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri S.R. Dheple, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant intends to amend the Original Application placing on record the pleadings about the departmental enquiry.

3. By consent of both the sides, S.O. to 15.06.2022 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.434 OF 2019**  
**(Namdeo S. Ghone Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned Advocate for the applicant, S.O. to 04.07.2022 for final hearing.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.420 OF 2019  
(Raju P. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

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

2. At the request of the learned Advocate for the applicant, S.O. to 04.07.2022 for final hearing.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022



**ORIGINAL APPLICATION NO.101 OF 2019**  
**(Ashok R. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 to 3 & 5 and Shri S.R. Dheple, learned Advocate for the respondent No.4.

2. At the request of the learned Advocate for the applicant, S.O. to 05.07.2022 for final hearing.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.388 OF 2018**  
**(Namdeo P. Gawali Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 05.07.2022 for final hearing.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO.939 OF 2016  
(Rajendra B. Salvi Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 05.07.2022 for final hearing.

**MEMBER (J)**

SAS ORAL ORDERS 05.05.2022

**ORIGINAL APPLICATION NO. 414 OF 2018**  
**(Vranda P. Sadgure Vs. State of Maharashtra & Ors.)**

**WITH**

**ORIGINAL APPLICATION NO. 613 OF 2018**  
**(Sonelben D. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.05.2022**

**ORAL ORDER :**

**O.A. No. 414/2018**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Ms. Preeti Wankhade, learned Advocate for respondent No. 4.

**O.A. No. 613/2018**

Heard Shri N.S. Kadarale, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent No. 4.

2. The present matters are closed for order.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 119 OF 2021  
(Sudhakar B. Aandhale Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri Ajit M. Gholap, learned counsel for the applicant and Shri B.S. Deokar, 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 7.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 415 OF 2021**  
**(Vivekanand V. Auti & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Shri Santosh S. Dambe, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 7.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 448 OF 2021  
(Sarjerao M. Phalke Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri A.D. Kulkarni, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 8.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 476 OF 2021  
(Machindra K. Bhalerao Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

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

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

3. S.O. to 8.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD



**ORIGINAL APPLICATION NO. 510 OF 2021  
(Rohidas A. Bhalsing Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned counsel holding for Mrs. Priya R. Bharaswadkar, learned counsel for the applicant and Shri M.P. Gude, 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 11.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 558 OF 2021  
(Holambe Nitin Dagdu & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri C.V. Dharurkar, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 4, are present. Shri Chandrakant A. Jadhav, learned counsel for respondent No. 5 (**absent**).

2. S.O. to 11.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 595 OF 2021  
(Indirakant N. Bhalerao Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

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

2. Await service.
3. S.O. to 13.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 623 OF 2021**  
**(Mehboobali Yawarali Khan Pathan Vs. State of Maharashtra**  
**& Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri M.P. Gude, 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 13.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 776 OF 2021  
(Lingoji K. Pokale Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

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

3. S.O. to 12.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 32 OF 2022  
(Yogesh U Aher Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri P.P. Dawalkar, 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 12.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 191 OF 2022  
(Balu R. Nagare Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Shri Vinod M. Vibhute, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 12.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 300 OF 2022  
(Dr. Santosh R Kote Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Smt. P.J. Bharad, 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 27.6.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD



**ORIGINAL APPLICATION NO. 335 OF 2022  
(Vilas P. Dhonde Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

2. Await service.
3. S.O. to 13.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 397 OF 2022**  
**(Prajakta D. Khairnar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

Smt. Pratibha J. Bharad, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 27.6.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**M.A.NO. 93/2017 IN O.A.ST.NO. 1452/2014  
(Manjushree B. Deshpande Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

2. Await service.
3. S.O. to 12.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**M.A.NO. 380/2019 IN O.A.NO. 290/2019  
(Rajesh L. Tangade Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri A.D. Aghav, learned counsel for respondent No. 2, are present.

2. Learned Presenting Officer and learned counsel for respondent No. 2 have sought time for filing affidavit in reply. Time granted.

3. S.O. to 12.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**M.A.NO. 57/2021 IN O.A.ST.NO. 118/2021  
(Bhalchandra S. Waghule Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

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

3. S.O. to 13.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**M.A.NO. 60/2020 IN O.A.ST.NO. 2451/2019  
(Priti V. Sangolkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

2. Await service.
3. S.O. to 13.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

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

**DATE : 5.5.2022**

**ORAL ORDER :**

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

2. S.O. to 10.6.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**M.A.NO. 397/2021 IN O.A.NO. 139/2021  
(Sunil Ramrao Barse Vs. State of Maharashtra & Ors.)**

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

**DATE : 5.5.2022**

**ORAL ORDER :**

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. On the previous date i.e. on 18.4.2022 the following order was passed: -

"2. Learned counsel appearing for respondent Nos. 6 & 7 has filed affidavit in reply on behalf of the said respondents in O.A. No. 139/2021 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer has sought time for filing affidavit in reply. The request is opposed by the learned counsel appearing for the applicant stating that due opportunities are already availed by the respondent authorities. However, in the interest of justice time is granted as a last chance for filing affidavit in reply. If the affidavit in reply is not filed on the next date the costs of Rs. 2000/- (Rs. two thousand only) will be imposed on the person who may be responsible for not filing the affidavit in reply.

4. S.O. to 5.5.2022."



**:: - 2 - :: M.A. 397/21 IN O.A. 139/21**

3. The affidavit in reply has not been filed even today. Learned Presenting Officer has again sought time for filing the affidavit in reply. At the request of learned Presenting Officer appearing for the respondents one more opportunity is granted for filing written statement, off course by imposing costs of Rs. 5,000/-. The amount of costs be paid by the officer concern, who is responsible for not filing affidavit in reply within time, from his own pocket.

4. S.O. to 29.6.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 681 OF 2019  
(Damodhar G. Thengde Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

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

2. It is informed that Shri I.S. Thorat, learned Presenting Officer appearing in the present matter is before the Single Bench. As such, the matter adjourned to 7.6.2022 for further consideration.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 184 OF 2020  
(Govardhan B. Kawale Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Heard Shri V.V. Gujar, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3.

Shri S.J. Salunke, learned counsel for respondent No. 4 (**absent**).

2. Arguments of both the sides are heard at length.  
Reserved for orders.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 365 OF 2022**  
**(Nilesh Balasaheb Dighe Vs. State of Maharashtra & Ors.)**

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, S.O. to 6.5.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 345 OF 2021  
(Suvarna R. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.6.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 554 OF 2021  
(Harshal Nivrutti Yevle Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Shri Ravindra B. Ade, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to 15.7.2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

**ORIGINAL APPLICATION NO. 267 OF 2021  
(Akshay Vishnu Pardeshi Vs. State of Maharashtra & Ors.)**

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

**DATE :** 5.5.2022

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. It is the grievance of the applicant that for wrong and erroneous reasons the case of the applicant has not been considered for appointment on the post of Staff Nurse (private) (50%), though his name was included in the select list and having secured more meritorious position, he is at Sr. No. 2 in the select list published in that regard.

3. Learned counsel for the applicant submitted that on 31.5.2019 the applicant was called for verification of the documents and on the said day the applicant has produced all necessary documents for scrutiny including his registration with the Nursing Council. The learned counsel submitted that there was no such condition imposed in the advertisement that the registration certificate should be of the date prior to the date of advertisement.

4. The contention so raised on behalf of the applicant is opposed in the affidavit in reply filed by respondent Nos. 1 to 5. It is contended that document produced of registration with the Maharashtra Nursing Council by the applicant was of the date after the date of advertisement and, as such, the case of the applicant was not considered for his appointment.

5. We have considered the submissions advanced by the learned counsel appearing for the parties. We have perused the documents on record. It is not in dispute that on 31.5.2019 the applicant was called for verification of the documents. It is further not in dispute that at the time of verification of the documents the applicant produced the certificate of registration dated 13.5.2019 with the Maharashtra Nursing Council. The respondents have however, not considered the said registration certificate valid and as per the requirement prescribed in the advertisement issued on 22.2.2019. In the affidavit in reply also the respondents have contended that the applicant was under obligation to produce the certificate of registration with Maharashtra Nursing Council of the period and date prior to the date of advertisement.

6. Having regard to the contentions raised in the O.A. and in the affidavit in reply filed on behalf of the respondents, the only issue which falls for our



consideration is whether the reason as has been assigned by the respondents for not considering the candidature of the applicant for appointment on the subject post to the effect that the applicant did not produce on record the registration certificate showing his registration with the Maharashtra Nursing Council of the date prior to the date of advertisement is sustainable? It would, therefore, be necessary to look into the advertisement dated 22.2.2019 and the relevant clauses in the said advertisement. In the said advertisement several posts including the post of Staff Nurse were advertised. The educational qualification and the required experience for each of the said post advertised are mentioned in clause 2 of the advertisement in the tabular form under the title "educational qualification and experience" the posts of Staff Nurse are at Sr. No. 12 & 13 in the said table and against the said post the educational qualification and experience is prescribed thus,

अ.क्र.	पदाचे नांव	शैक्षणिक अर्हता व अनुभव
१२.	अधिपरिचारीका (शासकीय) 50%	नियम ३ (ii) ज्या परिचारीकांनी भारतीय परिचर्या परिषदेने मान्यता दिलेली सामान्य परिचर्या व प्रसविका प्रशिक्षण यामधील पदविका धारण केली आहे किंवा ज्यांनी मान्यताप्राप्त संस्थेची मुळ बी. एस.सी. (नर्सिंग) पदवि धारण केलेली आहे. (पी. बी.बी. एस्सी /नर्सिंग/ मुक्त विद्यापीठाची वगळून) तसेच संसद वा राज्य विधिमंडळाच्या कोणत्याही अधिनियमाद्वारे स्थापित झालेल्या संस्था.  ४. नियम ३ मधील पदावर नामनिर्देशनाने

		नियुक्ती (i) खाजगी नर्सिंग महाविद्यालयातून उत्तीर्ण झालेले उमेदवार आणि (ii) आरोग्य सेवा संचालनालय / वैद्यकीय शिक्षण व संशोधन संचालनालयाच्या शासकीय परिचर्या महाविद्यालयातील उत्तीर्ण झालेले उमेदवार यांचेमधून ५०:५० या प्रमाणात करण्यात येईल.
१३	अधिपरिचारीका (खाजगी) 50%	५. नियम ३ मध्ये नमूद केलेल्या पदावर नियुक्तीसाठी निवड झालेल्या उमेदवारांने सदर पदावर रुजू होण्यापूर्वी महाराष्ट्र परिचर्या अधिनियम, १९६६ अंतर्गत अगोदरच नाव नोंदणी केली नसल्यास त्यांना त्याचे /तिचे नाव नोंदणी करणे आवश्यक राहिल. तसेच, त्याला/तिला सदर नोंदणीचा विहित कालावधी पूर्ण होण्यापूर्वी अशा नोंदणीचे वेळोवेळी नुतणीकरण करणे आवश्यक राहिल. ६. भारतीय परिचर्या परिषदेच्या निकषानुसार, खुल्या विद्यापीठातून नर्सिंगमधील अर्हताप्राप्त केलेले उमेदवार नियम ३ मधील पदावर नियुक्तीसाठी पात्र समजले जाणार नाहीत.

”

7. We have carefully perused the “educational qualification and experience” prescribed for the subject post. It nowhere requires that the registration of the candidate with Maharashtra Nursing Council shall be of the date prior to the date of advertisement. On the contrary, it is provided that if the selected candidates had not registered his name with the Maharashtra Nursing Council, he shall get it registered before resuming the duties on the selected post and shall go on renewing the said registration time to time. Learned Presenting Officer has invited our attention to Note-2 given below the table prescribed in educational qualification and experience and submitted that in the said note it is specifically stated that

the candidate concerned must be holding the educational qualification and experience as prescribed before the date of the advertisement. Learned Presenting Officer submitted that since the certificate of registration submitted by the applicant is of the date subsequent to the date of advertisement, the respondents have rightly rejected the candidature of the applicant.

8. We are however, not convinced with the submission so made. When in the clause providing educational qualification and experience, no such requirement is existing and on the contrary the latitude is given for the selected candidate to get his name registered with Maharashtra Nursing Council, if it is already not registered, before resuming the duties, no contrary provision could have been included in the note given below the table prescribing educational qualification and experience for the posts advertised.

9. The applicant has produced the registration certificate dated 13.5.2019 at the time of verification of documents. The applicant thus, duly fulfills the prescribed educational qualification, as well as, experience. In the circumstances, in our opinion, rejection of the candidature of the present applicant by the respondents on the ground that registration certificate produced by the applicant was

**:: - 6 - ::**

**O.A. NO. 267/2021**

not of the date prior to the date of advertisement is unsustainable and hence, deserves to be set aside. In the result, the following order is passed: -

**ORDER**

(i) It is held that by submitting on record certificate of the registration with the Maharashtra Nursing Council dated 13.5.2019, the applicant has fulfilled the requirement prescribed in the advertisement.

(ii) The respondents are directed to consider the case of the applicant for his appointment to the post of Staff Nurse, if he is otherwise eligible for appointment on the said post, within four weeks from the date of this order.

(iii) No order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDERS 5.5.2022-HDD

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

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

**DATE :** **5.5.2022**

**ORAL ORDER :**

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

2. In the present matter the affidavit in reply was to be positively filed today by the respondents, however, the same has not been filed.

3. As is revealing from the pleadings in the application, the departmental enquiry is going on against the applicant. It is further revealed that on the ground that the departmental enquiry is pending against the applicant, he is not being considered by the respondents for promotion to the next higher post and the Departmental Promotion Committee has kept the decision in regard to the applicant in a sealed cover. In the present O.A. it is the prayer of the applicant that the respondents be directed to open the said sealed cover and if the DPC has found the applicant eligible for his promotion the respondents be directed to award such promotion to the applicant.

4. During the course of the arguments we came to be informed that the departmental enquiry has been

completed in the month of October, 2021. However, the enquiry officer has not submitted the report and hence, further process has also been stopped.

5. In view of the information as above, it appears to us that it would be appropriate to dispose of the present O.A. with the following order, which would meet the ends of justice.

**ORDER**

i) The respondents shall require the enquiry officer to submit the report of enquiry to the disciplinary authority by the end of this month i.e. before 31<sup>st</sup> May, 2022 and ensure that the report is submitted before the said date.

(ii) After receiving the report from the enquiry officer, the disciplinary authority shall complete the further process within six weeks.

(iii) We need not to state that the decision taken by the disciplinary authority will be deciding factor in the matter of promotion of the applicant.

(iv) The Original Application stands disposed of in the aforesaid terms. No order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**