

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**BENCH AT AURANGABAD.****ORIGINAL APPLICATION NO. 58/2013**

**DIST.: BEED, AHMEDNAGAR,
AURANGABAD, PARBHANI &
JALNA**

1. Vijay Raghunathrao Tokekar,
Age: Major, Occu. Nil,
R/o. Near Over Bridge,
Old Jalna, Dist. Jalna.
2. Santosh Bhaskarrao Misal,
Age: Major, Occu. Nil,
R/o. Near Zapadi Canteen,
Ahmednagar.
3. Sachin Pandurang Kulkarni,
Age: Major, Occu. Nil,
R/o. Postel Colony,
Parbhani.
4. Dattu Pandharinath Dhobale,
Age: Major, Occu. Nil,
Permanent R/o. Chobe Nimgaon,
Tq. Ashti, Dist. Beed.
5. Shaikh Jaffar Shaikh Farid,
Age: Major, Occu. Nil,
R/o. Near Motilal Kothari School,
At post : Kada, Tq. Ashti,
Dist. Beed.
6. Bandu Ramesh Barde,
Age: Major, Occu. Nil,
R/o. House No. 139, Vishwas Nagar,
Aurangabad.

7. Waman Santosh Sukhdeo,
Age: Major, Occu. Nil,
Permanent R/o. at Post : Dhanora,
Tq. Ashti, Dist. Beed.
8. Ramprasad Panditrao Lendgule,
Age: Major, Occu. Nil,
Permanent R/o Malegaon Khurde,
Tq. Gevrai, Dist. Beed.
9. Vaijaykumar Narayanrao Kulkarni,
Age: Major, Occu. Nil,
R/o. Behind Govindnagar Rest House,
Beed.
10. Balu Babasaheb Sanap,
Age: Major, Occu. Nil,
Permanent R/o. Tagadgaon,
Tq. Shirur, Dist. Beed.
11. Keshav Waman Chavan,
Age: Major, Occu. Nil,
R/o. Ganpati Galli, Bhokarkan,
Dist. Jalna.

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APPLICANTS**VERSUS**

1. The State of Maharashtra,
Through the Presenting Officer,
Maharashtra Administrative Tribunal Mumbai,
Bench at Aurangabad.
AURANGABAD.
2. The Principle Secretary,
Health Department,
Manatralaya,
Mumbai.

3. The Chairman,
Selection Committee-Cum-
The Joint Director of Health Services,
Laprosy,
MS, Pune-01.
4. The Joint Director of Health Services,
Malaria & Filarial,
M.S., Pune-01.
5. The District Collector,
Beed District,
Beed.
6. The District Collector,
Ahmednagar District,
Ahmednagar.

- **RESPONDENTS**

APPEARANCE : Shri J.B. Choudhary, Learned Advocate for
the Applicants.

: Smt. Sanjivani K. Deshmukh-Ghate,
Learned Presenting Officer for
the Respondents.

CORAM:HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)
AND
HON'BLE SHRI J.D. KULKARNI, MEMBER (J)

Date :- 16.12.2016.

ORDER

[Per- Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)]

Heard Learned Advocate Shri J.B. Choudhary, for
the Applicants and Smt. Sanjivani K. Deshmukh-Ghate,
Learned Presenting Officer for the Respondents.

2. This O.A. has been filed by the Applicants who are seeking appointment in Class III/Class IV posts, on the basis of their being from Project Affected Persons Category, without undergoing any selection process on the basis of G.R. dated 28.4.1999.

3. Learned Counsel for the Applicants fairly placed on record a copy of the judgment of this Tribunal dated 3.2.2011 in O.A. No. 32/2011. This Tribunal has held that:

“3. After the decision of Hon’ble Bombay High Court in reply to a reference in W.P. Nos. 5266, 6100 and 7185 of 2008 dated 9.7.2009, it is not possible for this Tribunal to direct the respondents to appoint the applicants, without contest in response to an advertisement.”

4. It is clear that Project Affected Persons cannot be appointed directly in Government service. 5% horizontal reservation is provided for Project Affected Persons in Government service. They have to apply as and when advertisements are issued and to take their chance in the

selection process. No relief can be granted to the Applicants in this O.A. This O.A. is, therefore, dismissed with no order as to costs.

MEMBER (J)

Kpb/DB OA No 58 of 2013 Agarwal 2016

VICE CHAIRMAN (A)