

O.A.No.1155/2021 (S.B.)

**Coram : Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman**

Dated : 04/10/2022.

C.A.No.398/2022

Heard Shri C.A.Babrekar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Grounds mentioned in the C.A. is not sufficient to grant the stay to the impugned order dated 09.09.2022. The matter will be decided finally. Reply is already filed.

3. **S.O.20.10.2022 for final hearing.**

Vice Chairman

Date:-04/10/2022

rsm.

O.A.No.521/2014 with
O.A.No.522/2014 with
O.A.No.523/2014
O.A.No.524/2014 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman**

Dated : 04/10/2022.

Heard Shri S.N.Gaikwad, holding for Shri R.S.Khobragade, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents 1 to 5. None for the respondent nos.6 & 7.

3. Learned P.O. waives notices for the respondents.

4. **In due course.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.281/2015 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman**

Dated : 04/10/2022.

Heard Shri P.P.Khaparde, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondent no.1. Shri H.D.Marathe, ld. Counsel for the respondent no.2. Shri N.A.Palshikar, ld. Counsel for the respondent nos.2 to 5. None for the respondent no.6.

2. On oral request of the learned counsel, **S.O.**
three weeks for filing reply.

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.616/2015 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri S.N.Gaikwad, holding for Shri R.S.Khobragade, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of the learned P.O., **S.O.**
17.10.2022 for filing reply.

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.195/2017 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

C.A.NO.104/2017

Heard Ku.K.K.Pathak, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. By consent **S.O. 09.11.2022.**

**Vice Chairman
Date:-04/10/2022
rsm.**

Vice Chairman

O.A.No.46/2018 with
O.A.No.47/2018 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri Bharat Kulkarni, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. has filed reply of respondents 2 & 3. It is taken on record. It is sufficient to decide the matter. Hence, the matter is **admitted** and kept for final hearing.

3. Learned P.O. waives notices for the respondents.

4. **In due course.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.971/2019 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri V.G.Palshikar, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of the learned P.O., **S.O. after two weeks for filing reply.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.260/2020 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents 1 to 3. Shri P.Joshi, ld. Counsel for the respondent no.4.

2. On oral request of the learned P.O., **S.O. two weeks for filing reply.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.261/2020 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents 1 to 3. Shri P.Joshi, ld. Counsel for the respondent no.4.

2. On oral request of the learned P.O., **S.O. two weeks for filing reply.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.531/2021 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of the learned P.O., **S.O.**
09.11.2022 for filing reply.

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.73/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri A.P.Tathod, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of the learned P.O., **S.O.**
three weeks for filing reply.

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.453/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. On oral request of the learned P.O., **S.O. two weeks for filing reply.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.548/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri A.P.Potnis, ld. P.O. for the respondents.

2. On oral request of the learned P.O., **S.O. two weeks for filing reply.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.789/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri V.B.Gawali, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that respondents are served.

3. On oral request of the learned P.O., **S.O. four weeks for filing reply.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.820/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman**

Dated : 04/10/2022.

Heard Shri P.P.Khaparde, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents. Await service to respondents 2 & 3.

2. On oral request of the learned counsel, **S.O.**
two weeks.

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.832/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri P.P.Khaparde, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents. Await service to respondents 2 & 3.

2. On oral request of the learned counsel, **S.O.**
two weeks.

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.907/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri S.P.Palshikar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. As per order dated 30.09.2022 the learned P.O. seeks time to take instructions. Today the learned P.O. seeks time to get instructions and file reply.

3. **S.O.11.10.2022.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

O.A.No.915/2022 (D.B.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice Chairman &
Hon'ble Shri Justice M.G.Giratkar,
Vice Chairman
Dated : 04/10/2022.**

Heard Shri K.S.Motwani, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. Issue notice to Respondents, returnable on **three weeks**. Learned P.O. waives notice for state. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. **S.O. three weeks.**

Vice Chairman
Date:-04/10/2022
rsm.

Vice Chairman

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 04/10/2022.

**Rev.A. 10/2021 in O.A. 414/2018, Rev.A. 11/2021 in
O.A. 415/2018, Rev.A. 12/2021 in O.A. 416/2018,
Rev.A. 13/2021 in O.A. 417/2018, Rev.A. 14/2021 in
O.A. 629/2018 –**

Heard Shri S.D. Malke, Id. counsel for applicants, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri P.N. Sharma, Id. counsel for R-3 (in Rev.A. 10/2021 in O.A. 414/2018). None for R-3 (in Rev.A. 11/2021 in O.A. 415/2018).

2. The learned P.O. has filed the copy of Judgment of Hon'ble Supreme Court in the case of **Manish Kumar Shahi Vs. State of Bihar & Ors., (2010) 12 SCC,576** in SLP (C) No.26223/2008, decided on 19/5/2010. It is taken on record and marked Exh-X for identification. The Placitum 'B' of the said Judgment is reproduced as below –

“ (B) Service Law—Recruitment process—Judicial review—Maintainability—Acquiescence—Candidate challenging recruitment process after having himself taken part in it, held, is not maintainable—Evidence Act,1872—S. 115—Interview/Viva voce marks – challenge to – Appropriate state of challenge—Constitution of India—Art. 226—Maintainability of writ petition—Estoppel/Waiver/ Acquiescence ---

The High Court was correct that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked

for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition."

3. The Id. P.O. further submits that he will file some relevant Judgments today itself.

4. The learned counsel for applicant submits that whichever the Judgments the Id. P.O. is going to file, that copies should be supplied to him and for that purpose he requires some time for going through the same.

S.O. 7/10/2022 (PH).

Vice- Chairman

dnk.