

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1209 OF 2016

DISTRICT : RATNAGIRI

Shri Rahul Dattatraya Barve,)
B/105, Nisarg Vihar CHS Ltd,)
Subhash Road, Joshi Paland,)
Ratnagiri 415 612.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
School Education and Sports)
Department, Mantralay Annexe)
Mumbai 400 032.)
2. The Chairman,)
Maharashtra Public Service)
Commission, Cooperage)
Telephone Nigam Bldg,)
M.K Road, Cooperage,)
Mumbai 400 021.)
3. Ganesh S. Shinde,)
C/o: Rajendra Shinde,)
Shinde Niwas, MIDC Road,)
Near Raviraj Karyalay,)
Hivrekar Girni, Beed 431 122)
4. Vijaykumar Sopanrao Saigunde)
A/P Ter, 'Vijashri',)
Osmanabad-Latur Road,)
Peth, Osmanabad 413 509.)

5. Shrikishan Y. Deshmukh,)
A-Katpur, Near Basaveshwar)
Chowk, Post-Babhalbaon,)
Latur 416 112.)
6. Gangadhar V. Walale,)
District Institute of Education)
and Training, Old D. Ed College)
Pardeshpura, Sangamner,)
Ahmednagar.)
7. Jadhav Ravi Laxman,)
R/o: C 2/8, Kasliwal Tarangan)
Padegaon, Aurangabad 431001)
8. Mangesh B. Ghigre,)
Having office at)
Jilha Shaikshanik)
Satattyapurna Vyasaik)
Sanstha, Jalgaon.)
9. Sagar Baburao Tupe,)
Swami Samartha Niwas,)
Besides Devgav Rural Hospital)
Devgav, Niphad, Nasik 422305)...**Respondents**

Shri S.S Jadhav, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

Shri N.K Rajpurohit, learned counsel for Respondents no 4, 6 & 9.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : **24.02.2023**

PER : **Justice Mridula Bhatkar (Chairperson)**

J U D G M E N T

1. The applicant prays that the Tribunal be pleased to quash and set aside the impugned letter dated 28.9.2016 and further the final recommendation list prepared as per advertisement No. 62 of 2015 to the extent it includes the names of Respondent Nos 3 to 6, be quashed and set aside.

2. Respondent no. 2, M.P.S.C, published advertisement for 33 posts of Senior Lecturer, District Institute of Education and Training, Grade-A, pursuant to the Advertisement No. 62/2015. The applicant has applied for the same, but was not selected and not recommended. The applicant was informed his result by letter dated 28.9.2016. The applicant has challenged the said letter and by way of amendment he challenged the G.R dated 27.3.2017 by which 32 persons were appointed for the post of Senior Lecturer, Grade-A at different places. Learned counsel for the applicant submits that the applicant has received information through R.T.I that Mr Vijaykumar S. Saigunde, Respondent no. 4 was shifted from open category to NT(C) category and so one post in open category is vacant.

3. On these submissions, we sought instructions from Respondent no. 2, M.P.S.C as well as Respondent no. 1, School Education and Sports Department. Learned C.P.O on instructions from Ms Bhagyashree Jagtap, A.S.O, School Education and Sports Department, and Ms Rekha Mhatre, Desk Officer, M.P.S.C, it is found that one post in open category is still vacant and nobody is appointed on that post till today and the applicant stands at Sr No. one

4. Learned counsel Mr N.K Rajpurohit, for Respondents no. 4, 6 & 9 submits to the order of the Court.

5. We pointed out that in the relief clause the applicant has prayed for cancellation of letter dated 28.9.2016 and the recommendation list prepared as per advertisement No. 62 of 2015, but he has not prayed for appointment. Be that as it may, we on the basis of the entire pleadings and also the submissions advanced at bar, understand that he is praying for the appointment.

6. Considering the submissions and the factual information supplied by learned C.P.O, we pass the following order:-

- (a) The Original Application is partly allowed.
- (b) The impugned letter dated 28.9.2016 is hereby quashed and set aside.
- (c) We direct M.P.S.C, Respondent no. 2 to recommend the name of the applicant, from open category within three weeks from today to the Respondent no. 1, School Education and Sports Department, in the place of Vijaykumar S. Saigunde, Respondent no. 4.
- (d) Respondent no. 1, School Education and Sports Department, to consider the name of the applicant for appointment in the open category as per the recommendation.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 24.02.2023
Dictation taken by : A.K. Nair.