

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT NAGPUR

ORIGINAL APPLICATION NO.560 OF 2016
(Subject : Appointment)

DISTRICT : NAGPUR

Dr. Amol Haridas Dube,)
R/o. Shilpa Society, Manish Nagar,)
NAGPUR)

...APPLICANT

VERSUS

1. The State of Maharashtra,)
Through its Secretary,)
Department of Medical and Research,)
Mantralaya, Mumbai 400 032.)
2. Maharashtra Public Service Commission,)
Kupresh Telephone Exchange Building,)
Maharshi Karve Road, Cooperage,)
Mumbai 400 021.)
3. Dr. Kapil Sheshrao More,)
127. Prandya Niwas, Vivek Nagar,)
Nanded.)

....RESPONDENTS.

Shri N.R. Saboo, learned Advocate for the Applicant.

Shri A.M. Ghogre, learned Presenting Officer for the Respondents No.1 and 2.

None for the Respondent No.3.

CORAM : SHRI RAJIV AGARWAL, VICE-CHAIRMAN (A)
SHRI J.D. KULKARNI, VICE-CHAIRMAN (J)

DATE : 11 . 8 . 2017.

PER : SHRI RAJIV AGARWAL, VICE-CHAIRMAN (A)

J U D G M E N T

1. Heard Shri N.R. Saboo, learned Advocate for the Applicant and Shri A.M. Ghogre, learned Presenting Officer for the Respondents No.1 and 2. None for the Respondent No.3.
2. This Original Application has been filed by the Applicant seeking revision in the select list ^{prepared} preferred by Maharashtra Public Service Commissioner (M.P.S.C.), the Respondent No.2, and to recommend and appoint the Applicant to the post of Associate Professor in General Medicine for the seat reserved for Scheduled Caste (S.C.) category.
3. Learned Counsel for the Applicant argued that the Respondent No.2 had issued an advertisement on 30.06.2014 to fill up 22 posts of Associate Professor in General Medicine. 3 posts were reserved for S.C. Category. 9 posts were open out of which, 4 posts were horizontally reserved for women. The Applicant had applied for the post from S.C. category. For 3 posts of S.C. Category, M.P.S.C. recommended names of Dr. Rashmi Wahane, Dr. Shekhar Ghodeswar and Dr. Pravin

Shingane who were at Sr. No.8, 10 and 15 respectively in the selection list. The Applicant was at Sr. No.16. Out of 4 Open-female posts, only one open-female could be selected and remaining 3 seats were treated as open general category. Dr. Rashmi Wahane and Dr. Shekhar Ghodeshwar should have been selected from Open-general category based on the marks obtained by them. However, the Respondent No.2 selected Dr. Rashmi Wahane and Dr. Shekhar Ghodeshwar from ~~Open~~^{S.C.} category, which resulted in the Applicant no getting selected. Learned Counsel for the Applicant argued that this Tribunal in O.A.No.321/2015 by judgment dated 07.04.2016 has already quashed the select list dated 28.05.2015 prepared by M.P.S.C. The Respondent No.2 was directed to fill up the posts of open-female category, which could not be filled, by treating them as open-general post. The judgment of this Tribunal in O.A.No.321 of 2015 would cover the Applicant's case also. P.A.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the judgment of this Tribunal dated 07.04.2016 in O.A.No.321 of 2015 was challenged before Hon'ble High Court in Writ Petition No.6262 of 2016. By judgment dated 21.11.2016, the same was dismissed. M.P.S.C. has filed a Special Leave Petition before Hon'ble Supreme Court challenging the judgment of Hon'ble High Court.

5. We find that the judgment of this Tribunal dated 07.04.2016 in O.A.No.321 of 2015 fully covers the reliefs sought in the present O.A. The Respondent No.2 is, therefore, directed to act in accordance with the aforesaid judgment forthwith. This O.A. is allowed accordingly with no order as to costs.