MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 898 OF 2017

DISTRICT: - AURANGABAD

Shri Amol Devidas Rathod,
Age : 22 years, Occu. : Education,
Plot No. 19, Amol Niwas,
Renuka Nagar, Gut No. 96,
Devlai Parisar, Beed-bye pass Road,
Aurangabad-431 010. .. APPLICANT

V E R S U S

1) The State of Maharashtra
Through the Principal Secretary,
General Administration Department,
Mantralaya, Mumbai.

(Copy to be served on Asstt.
Presenting Officer MAT Aurangabad)

2) The Secretary,
Maharashtra Public Service Commission,
5 ½, 7th, 8th Floor, Cooperage Telephone,
Exchange Building, Maharshi Karve Road,
Cooperage, Mumbai 400 021.
.. RESPONDENTS

APPEARANCE : Shri A.R. Rathod, learned Advocate for the applicant.

: Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the res.

CORAM : **JUSTICE A.H. JOSHI, CHAIRMAN**
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : **5th JANUARY, 2018.**

O R A L O R D E R

1. Learned Presenting Officer prays for time for filing affidavit in reply. His request is rejected in the background that way back in the month of November, 2017 the Maharashtra Public Service Commission had made a statement before this Tribunal when O.A. No. 1007/2017 & the Group was being heard. This Tribunal had recorded in paragraph No. 12 of the said judgment as follows:-

> "12. M.P.S.C. has declined to hold the interview on the ground that the judgments of Hon'ble High Court are carried by M.P.S.C. before the Hon'ble Supreme Court and hence M.P.S.C. cannot volunteer to hold the interview, however, if directions are given, without prejudice to M.P.S.C's right and claim as agitated in the Special Leave Petition pending before the Hon'ble Supreme Court, M.P.S.C. may carry out the orders as may be passed."
>
> (Quoted from O.A. No. 1007/2017)

2. In view of that, no further reply is required stating as to whether the judgment of Hon'ble High Court relied upon in Mrs. Ashwini Narayan Kale's case (O.A. NO. 1007/2017 of Principal Seat of this Tribunal at Mumbai) is stayed or set aside. Copy of the order of this O.A. is kept abeyance.

3. This Tribunal has no ground to withhold hearing & disposal of the present Original Application on the same lines as in O.A. No. 1007/2017.

4. Hence, the present Original Application has been taken for final disposal.

5. For the reasons stated in the order passed in O.A. No. 1007/2017 (supra), which was heard and decided by the Principal Seat of this Tribunal at Mumbai, by the judgment and order dated 29.11.2017, the present Original Application is allowed in terms of prayer clause (d), of para – 08, which reads as follows: -

> "d] By issuing appropriate declaration or order or direction kindly declare that, the stand of MPSC of not allowing otherwise meritorious and eligible candidate such as applicant in further recruitment process from open sports person category only because he belongs to DT (A) category in spite of the fact that, applicant chose to apply from open sports person category and denied to opt for NT (A) reservation category and for that purpose issue necessary orders."
>
> (Quoted page 27 of the OA)

6. No order as to costs.

CHAIRMAN

PLACE : AURANGABAD.

DATE : 5TH JANUARY, 2018.