

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 979 of 2021 (D.B.)**

- (1) Mrs. Sunita W/o Rajesh Kawale,  
Aged 46 years, Occ. Service,  
R/o 167, Harshwardhan Apartment,  
Opposite Dr. Chaudhari Hospital,  
Ayurvedic Layout, Mirchi Bazar, Nagpur.
- (2) John S/o Aatmaram Anbhore,  
Aged 46 years, Occ. Service,  
R/o Plot No.38, Jai Hind Nagar,  
Koradi Road, Mankapur, Nagpur.
- (3) Milan S/o Madukar Dhorme,  
Aged 51 years, Occ. Service,  
R/o Plot No.41, Diamond Nagar,  
Beside Sai Baba Interior and Infrastructure,  
Manewada, Besa Road, Nagpur.

**Applicants.**

**Versus**

- 1) State of Maharashtra,  
through its Principal Secretary,  
Medical Education & Drugs Department,  
9<sup>th</sup> floor GT Hospital Campus Building, New Mantralaya,  
Fort, Mumbai-01.
- 2) Director of Medical Education & Research,  
4<sup>th</sup> floor, Dental College Building,  
St. Georges Hospital Compound,  
P.D'Mello Road, CST, Mumbai-01.
- 3) Maharashtra Public Service Commission,  
through its Secretary,  
Bank of India Building, 3<sup>rd</sup> floor, Fort,  
Mumbai-01

**Respondents.**

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**S/Shri N.D. and T.N. Thombre, Advocates for applicants.**

**Shri A.P. Potnis, learned P.O. for respondents.**

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

**Dated :- 26/08/2022.**

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**JUDGMENT**

**Per : Shri Justice M.G. Giratkar, Vice-Chairman.**

Heard Shri N.D. Thombre, learned counsel for applicants and Shri A.P. Potnis, learned P.O. for respondents.

2. The applicants are working with the respondents on the post of Senior Assistant. Initially, the applicants were appointed as a Junior Clerk by the respondents and thereafter promoted as a Senior Clerk / Senior Assistant. They are working in the Medical Education and Reseach Department. The respondent no.3 by its advertisements dated 17/09/2021 and 08/10/2021 invited applications for the posts of Administrative Officers, General Services, Group-B under the Medical Education and Research Directorate. The applicants are fulfilling all the criteria under the advertisements for the said posts except supervisory experience on the post of Office Superintendent.

3. The applicants made representations to the respondent nos.1 & 2 and considering the same representations, the respondent no.2 vide letter dated 05/10/2021 requested the respondent no.1 to relax the criteria as supervisory experience in respect of the

employees working on the post of Senior Assistant having required educational qualification and minimum 15 years experience. The respondent no.1 has not taken any decision on the said proposal. Therefore, this O.A. is filed by the applicants for direction to the respondent no.1 to take decision on the proposal made by the respondent no.2, dated 05/10/2021.

4. The application is opposed by the respondent no.1. It is submitted that the applicants have not fulfilled the criteria / qualification and therefore they are not eligible for appointment. Hence, the O.A. is liable to be dismissed.

5. Heard learned counsel for the applicants Shri N.D. Thombre. He has pointed out the recommendation of respondent no.2 dated 05/10/2021 (Annex-A-5,P-58). There is no dispute about the recommendation of respondent no.2 to respondent no.1. The applicants have prayed following reliefs –

*“(i) Direct the respondent no.1 to take decision on the proposal for relaxation submitted by the respondent no.2 dated 05/10/2021 expeditiously within stipulated period of 4 weeks.*

*“(ii) After granting relaxation of the condition of experience as per last para of the proposal dated 05/10/2021 grant permission to the applicants to apply in response to advertisements dated 17/09/2021 and 08/10/2021”.*

6. As per the prayer of the applicants, it appears that the applicants wanted for direction for consideration of the recommendation of respondent no.2, dated 05/10/2021. The respondent no.2 is the Director of Medical Education and Research Department, Mumbai. The recommendation was made by respondent no.2 to the Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai (R/1). There is nothing on record to show any intimation to the applicants by respondent no.1 about the consideration / rejection of the recommendation by respondent no.2. Hence, we pass the following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The respondent no.1 is directed to take decision on the proposal for relaxation submitted by respondent no.2, dated 05/10/2021 within a period of three weeks from the date of receipt of this order.
- (iii) No order as to costs.

**(Justice M.G. Giratkar)**  
**Vice-Chairman**

**(Shree Bhagwan)**  
**Vice- Chairman**

**Dated** :- 26/08/2022.

dnk.\*

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 26/08/2022.

Uploaded on : 29/08/2022.