

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION Nos. 454 to 460 of 2022 (D.B.)**

**APPLICANTS** : Maharashtra State Medical Teachers Association, a Society registered under the Societies Registration Act, 1960, Regd. No. Maharashtra-162.67NAG, having Office at Government Medical College Premises, Nagpur-440 003, through its Authorized Signatory & Member –  
Dr. Deepak Janardhan Sangle  
-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra through its Secretary, Medical Education & Drugs Department, Mantralaya, Mumbai-32.  
2) The Director of Medical Education & Research, Saint George Hospital, Mumbai.  
3) The Maharashtra Public Service Commission through its Secretary (Direct Recruitment), having Office at 578<sup>th</sup> Floor, Kuprez Telephone Exchange Building, Maharshi Karve Road, Kuprez, Mumbai-400 021.  
4) National Medical Commission through its Chairperson, Pocket 14, Sector-18, Dwarka, Phase 1, New Delhi.

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**S/Shri Rohit Joshi, M. Deo, Advs. for the applicants (in O.As.454,455,457 & 458 of 2022).**

**S/Shri A.A. Naik, R.R. Deo, Y. Sambare, Advs. for applicants (in O.A.Nos.456,459 & 460 of 2022)**

**Shri S.A. Deo, learned CPO for respondent nos.1 to 3.**

**None for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION No. 711 of 2022 (D.B.)**

**APPLICANT** : Dr.Anuradha Tulshiram Deshkar  
Aged about-34 years, occ-teacher,  
r/o D-132/5, Prakash Nagar, Khaparkheda,  
Nagpur-441102.

-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra  
through its Secretary, Medical  
Education & Drugs Department,  
Mantralaya, Mumbai-32.

2) The Director of Medical Education  
& Research, Saint George Hospital,  
Mumbai.

3) The Maharashtra Public Service  
Commission through its Secretary  
(Direct Recruitment), having Office  
at 578<sup>th</sup> Floor, Kuprez Telephone  
Exchange Building, Maharshi Karve  
Road, Kuprez, Mumbai-400 021.

4) National Medical Commission  
through its Chairperson, Pocket 14,  
Sector-18, Dwarka, Phase 1, New Delhi.

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**S/Shri Rohit Joshi, M. Deo, R. Mahajan, Advocates for the applicant.  
Shri S.A. Deo, learned CPO for respondent nos.1 to 3.  
None for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION No. 841 of 2022 (D.B.)**

**APPLICANT** : Dr.Krunali Dnyaneshwar Gaidhane  
Aged about-36 years, occu-teacher,  
r/o 702, Shivgiri, Himalaya Society,  
Beltarodi Road, Narendra Nagar,  
Nagpur-440027.

-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra  
through its Secretary, Medical  
Education & Drugs Department,  
Mantralaya, Mumbai-32.

2) The Director of Medical Education  
& Research, Saint George Hospital,  
Mumbai.

3) The Maharashtra Public Service  
Commission through its Secretary  
(Direct Recruitment), having Office  
at 578<sup>th</sup> Floor, Kuprez Telephone  
Exchange Building, Maharshi Karve  
Road, Kuprez, Mumbai-400 021.

4) National Medical Commission  
through its Chairperson, Pocket 14,  
Sector-18, Dwarka, Phase 1, New Delhi.

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**S/Shri Rohit Joshi, M. Deo, Advocates for the applicant.  
Shri S.A. Deo, learned CPO for respondent nos.1 to 3.  
None for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION No. 875 of 2022 (D.B.)**

**APPLICANT** : Dr.Sneha Laxmikant Parve  
Aged about 34 years, occu-teacher,  
r/o Plot No.47, New SBI Colony,  
Nalwadi, Nagpur Road, Wardha-442001.

-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra  
through its Secretary, Medical  
Education & Drugs Department,  
Mantralaya, Mumbai-32.

2) The Director of Medical Education  
& Research, Saint George Hospital,  
Mumbai.

3) The Maharashtra Public Service  
Commission through its Secretary  
(Direct Recruitment), having Office  
at 578<sup>th</sup> Floor, Kuprez Telephone  
Exchange Building, Maharshi Karve  
Road, Kuprez, Mumbai-400 021.

4) National Medical Commission  
through its Chairperson, Pocket 14,  
Sector-18, Dwarka, Phase 1, New Delhi.

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**Shri Rohit Joshi, Advocate for the applicant.**  
**Shri S.A. Deo, learned CPO for respondent nos.1 to 3.**  
**None for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION No. 876 of 2022 (D.B.)**

**APPLICANT** : Dr.Nipul Shrikrusha Khanande  
Aged about-34years, occu-teacher,  
r/o Rajput Niwas, Samta Gruh Nirman  
society, Manora Road, Digras,  
District-Yavatmal-445203.

-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra  
through its Secretary, Medical  
Education & Drugs Department,  
Mantralaya, Mumbai-32.

2) The Director of Medical Education  
& Research, Saint George Hospital,  
Mumbai.

3) The Maharashtra Public Service  
Commission through its Secretary  
(Direct Recruitment), having Office  
at 578<sup>th</sup> Floor, Kuprez Telephone  
Exchange Building, Maharshi Karve  
Road, Kuprez, Mumbai-400 021.

4) National Medical Commission  
through its Chairperson, Pocket 14,  
Sector-18, Dwarka, Phase 1, New Delhi.

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**Shri Rohit Joshi, Advocate for the applicant.**  
**Shri S.A. Deo, learned CPO for respondent nos.1 to 3.**  
**None for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION No. 881 of 2022 (D.B.)**

**APPLICANT** : Dr. Gajanand Ghanshyam Karshayal,  
Aged about 33 years, Occu-Service,  
R/o Plot No. 27-1, Maharana Pratap Ward,  
Civil Lines, Gondia-441 601.  
E-mail : gajanan.karshayal@gmail.com  
Mob : 8419916756 & 8369473413

-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra  
through its Secretary, Medical  
Education & Drugs Department,  
Mantralaya, Mumbai-32.

2) The Director of Medical Education  
& Research, Saint George Hospital,  
Mumbai.

3) The Maharashtra Public Service  
Commission through its Secretary  
(Direct Recruitment), having Office  
at 578<sup>th</sup> Floor, Kuprez Telephone  
Exchange Building, Maharshi Karve  
Road, Kuprez, Mumbai-400 021.

4) National Medical Commission  
through its Chairperson, Pocket 14,  
Sector-18, Dwarka, Phase 1, New Delhi.

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**S/Shri Rohit Joshi, M. Deo, Advocates for the applicant.  
Shri S.A. Deo, learned CPO for respondent nos.1 to 3.  
None for respondent no.4.**

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**WITH**

**ORIGINAL APPLICATION No. 882 of 2022 (D.B.)**

**APPLICANT** : Dr. Aniket Malik Meshram,  
Aged about 34 years, Occu-Service,  
R/o Plot No. 144, Banerjee Layout,  
Bhagwan Nagar, Nagpur-440 027.  
E-mail : dr.aniketmeshram@gmail.com  
Mob : 7715070235

-- **VERSUS** --

**RESPONDENTS** : 1) The State of Maharashtra  
through its Secretary, Medical  
Education & Drugs Department,  
Mantralaya, Mumbai-32.

2) The Director of Medical Education  
& Research, Saint George Hospital,  
Mumbai.

3) The Maharashtra Public Service  
Commission through its Secretary  
(Direct Recruitment), having Office  
at 578<sup>th</sup> Floor, Kuprez Telephone  
Exchange Building, Maharshi Karve  
Road, Kuprez, Mumbai-400 021.

4) National Medical Commission  
through its Chairperson, Pocket 14,  
Sector-18, Dwarka, Phase 1, New Delhi.

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**S/Shri Rohit Joshi, M. Deo, Advocates for the applicant.**  
**Shri S.A. Deo, learned CPO for respondent nos.1 to 3.**  
**None for respondent no.4.**

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

**Dated :- 04/03/2024.**

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**COMMON JUDGMENT**

Heard Shri Rohit Joshi, learned counsel for applicants in O.A.Nos.454,455,457,458,711,841,875,876,881 & 882 of 2022, Shri A.A. Naik, learned counsel for applicants in O.A.Nos.456,459 & 460 of 2022, Shri S.A. Deo, learned CPO for respondent nos.1 to 3 in all O.As. and none for respondent no.4 in all O.As.

2. Respondent no.4 filed Pursis on 30/11/2023. Thereafter, respondent nos.1 and 2 filed pursis on 06/02/2024. As per the pursis dated 30/11/2023, experience for one year of senior resident has been made mandatory by notification dated 05/06/2017 for appointment on the post of Assistant Professor. As per pursis dated 06/02/2024, it is submitted that, since the National Medical Commission is apex body, the decision of National Medical Commission has to be followed. Therefore, it is submitted that as per the decision of the National Medical Commission only one year experience of senior resident can be counted for appointment to the post of Assistant Professor.

3. The learned counsel for applicants has pointed out the order passed by the M.A.T., Bench at Aurangabad in the similar matters dated 29/02/2024 in O.A. 614/2022 with connected matters. It is marked Exh-X for



identification. The material portion of the order in para-6 to onwards is reproduced below –

*“6. On the previous date, during course of the arguments some documents were placed on record We have taken note of the said documents. It was pointed out that in O.A.No.454/2022 filed before the Nagpur Bench of the Tribunal, one purshis was filed by respondent nos.1 & 2 i.e. the State authorities. We deem it appropriate to reproduce hereinbelow the entire said purshis, which reads thus:*

*"PURSIS*

*The Association by the instant Original Application has sought relief that the Applicants who are Members of the Association satisfy eligibility criteria for appointment to the post of Assistant Professor under Maharashtra Medical Education and Research Services, Group-B in pursuance to the advertisement dated 13.08.2021. The Respondent- MPSC has rejected the candidature of the Members of Association on the ground that, the Members of Association does not possess the experience certificate of one year on the post of Senior Resident. It is contentions of the Applicants that, they have got experience of Assistant Professor and that experience can be considered in lieu of Senior Resident.*

*The NMC ie. National Medical Commission was subsequently added as party Respondent in the instant Original Application and they have filed pursis stating therein that, the experience of the Students as Assistant Professor may be counted against the experience of Senior Resident.*

*Since the National Medical Commission is the Apex Body, the decision of National Medical Commission has to be followed. We have therefore forwarded the same to the Respondents herein and sought for explanation. In pursuance to our query, we have received the communication dated 18.01.2024 issued by the Respondent No. 1 wherein it has been stated that, the Respondent No. 1 is agreeable to the stand taken*

*by the National Medical Commission. Copy of the said communication dated 18.01.2024 is issued by the Respondent No. 1 is annexed herewith as Annexure-P-1.*

*We have to therefore request this Hon'ble Tribunal to pass appropriate orders in view of the aforesaid communication.*

*Hence this pursis."*

*7. Learned Counsel for the applicants have also tendered the purshis submitted on behalf of respondent no.4 i.e. National Medical Commission in O.A.No.454/2022 before the Nagpur Bench of the Tribunal. Said purshis reads thus:*

*"PURSIS ON BEHALF OF RESPONDENT NO.4 NATIONAL MEDICAL COMMISSION*

*The respondent no.4 most respectfully and humbly begs to submit as under:*

*That, in the instant matter Senior Residency of one year has been made mandatory vide notification dated 05.06.2017. The same is annexed herewith as ANNEXURE NO.A. However, in the special circumstance, of the instant cases where Post Graduate qualified candidates were directly appointed to the post of Assistant Professor by the State Government, the experience of such students as Assistant Professors may be counted against the requirement of one-year senior residency. This pursis is filed in view of instructions received by E-mail dated 03.05.2023. A copy whereof is annexed herewith as ANNEXURE NO.B.*

*COUNSEL FOR RESPONDENT NO.4*

*NAGPUR*

*DATED: 30.11.2023"*

*8. We have perused the pleadings taken in all these applications as well as the documents filed by the applicants in all these applications as about their experience. It is noticed that all the applicants had worked on the post of Assistant Professor in their respective subjects in the respective Government*

*Medical Colleges for more than one year. As per the purshis filed on behalf of respondent nos.1 and 2 as well as on behalf of respondent no.4 i.e. National Medical Commission in O.A.No.454/2022 before the Nagpur Bench of the Tribunal, experience of working as Assistant Professor can be counted against the requirement of one year senior residency. It is, thus, evident that, all these applicants are possessing the requisite experience as prescribed in the concerned advertisement. MPSC had declined to consider the said experience as the requisite experience as prescribed in the advertisement and has declared the applicants ineligible for the advertised posts.*

*9. In view of the facts stated hereinbefore now there has remained no doubt that all these applicants possess the requisite experience as prescribed in the advertisement. The decision of the MPSC, therefore, deserves to be set aside. It is accordingly set aside. We hold that all these applicants possess the required experience as envisaged in the advertisement.*

*10. In the identical matters before the Principal Seat at Mumbai i.e. in O.A.No.837/2022 with O.A.No.946/2022, the Division Bench at Principal Seat has recently passed the order allowing the said O.As. We deem it appropriate to pass the order on the similar lines. Hence, the order:*

ORDER

*(i) It is held that the applicants in all these O.As. possess the experience as prescribed in the advertisement.*

*[ii] The decision of MPSC declaring these applicants ineligible on the count of experience is set aside.*

*[iii] MPSC is directed to recommend the applicants for their appointment to the post of Assistant Professor in their respective faculty in order of their merit, if there is no other legal impediment, within 4 weeks from the date of this order and the respondents then shall issue the orders of appointment in favour of these applicants within 4 weeks thereafter.*

*[iv] All these O.As. are allowed in the aforesaid terms. No order as to costs.”*

4. It is noticed that all applicants worked on the post of Assistant Professor in their respective subjects. As per the pursis filed by respondent nos.1 and 2 as well as on behalf respondent no.4, the National Medical Commission had taken a decision that one year experience as senior resident is mandatory for the post of Assistant Professor. It is submitted by National Medical Commission that who are appointed on the post of Assistant Professor, that experience is to be counted against senior residents. All the applicants are having one year experience of Assistant Professor and not of senior resident. That experience of one year as Assistant Professor can be counted against the requirement of one year senior resident. All the applicants have worked as Assistant Professor for one year or more than one year. Therefore, that experience can be counted as a senior resident.

5. The respondent, MPSC has not allowed applicants on the ground that they were not having experience of one year senior resident. This Tribunal directed the MPSC to allow the applicants to appear in the examination. As per the direction given by this Tribunal, all applicants have appeared in the examination, but their result are not declared. Hence, the following order –

### **ORDER**

(i) It is held that the applicants in all these O.As. possess the experience as prescribed in the advertisement dated 13/08/2021.

(ii) The decision of MPSC declaring all these applicants ineligible on the count of experience is hereby set aside.

(iii) The MPSC is directed to declare the result of all the applicants. If they have passed the said examination, their names shall be recommended for posting on the post of Assistant Professor to the concerned department as per their merit list.

(iv) After the receipt of the said recommendation, the concerned department / respondent nos.1 and 2 shall give posting to all the applicants according to merits recommended by MPSC within a period of four weeks after the receipt of recommendation from MPSC.

(v) The names of the Members of the Association shall be treated as the names of the applicants in the O.As. as per the Annex-A-2 in O.As. 454 to 460 of 2022.

(vi) All the O.As. are allowed and disposed of.

(vii) No order as to costs.

**Dated** :- 04/03/2024.

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

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 : 04/03/2024.

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