

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench*

**Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)**

**Date: -01/04/2024**

**For Reply Board**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
<b>Due Admission Matters</b>						
1	OA526/21	Nanded	Adv Sandeep G Kulkarni (Vilas M Joshi) <b><u>Adv S B Mene For R-2 &amp; R-3</u></b>	Pay Scale/Recovery	Await Service R-4 & For Filing Affidavit in Reply R-1 to R-3 & R-5	6.5.2024
2	OA991/22	Nanded	Adv V P Golewar (Shrinivas G Gangthade)	Transfer	For Filing Affidavit in Rejoinder	3.5.2024
3	OA359/23	O'bad	Adv S B Solanke (Pravin B Gaikwad)	Benefit of Old Pension Scheme	Reply Filed By R-4 & For Filing Affidavit in Reply	Disposed
4	OA506/23	O'bad	Adv S B Solanke (Valmik A Koli)	Directions/ Benefits of Old Pension Scheme	Reply Filed By R-4 & For Filing Affidavit in Reply R-1 to R-3	Disposed
5	OA681/23	A'bad	Adv Kakasaheb B Jadhav (Dr. Prashant R Ghodke) <b><u>Adv R T Deshmukh For R-4</u></b>	Suspension/ Revocation of Suspension	For Filing Affidavit in Reply	18.6.2024

6	OA682/23	A'bad	Adv Kakasaheb B Jadhav (Dr. Suresh G Ghule) <b><u>Adv Deepak K Rajput</u></b> <b>R-4</b>	Suspension/ Revocation of Suspension	For Filing Affidavit in Reply R-1 to R-3	18.6.2024
7	OA719/23	A'bad	Adv S B Solanke (Sanjay M Gitte & Ors.)	Benefits of Old Pension Scheme	For Filing Affidavit in Reply By R-1 to 3	Disposed
8	OA736/23	A'bad	Adv Akshay S Tilve (Ushabai P Tupe)	Directions/ Compassionate Appointment <b>Dispute between Legal Heirs</b>	Reply Filed By R-1 & R-2  For Filing Affidavit in Reply	3.5.2024
9	OA748/23	Latur	Adv A B Rajkar (Shrikant B Kulkarni)	Recovery	For Filing Affidavit in Reply	19.6.2024
10	OA794/23	Nanded	Adv Jiwan J Patil (Dattatraya N Shinde)	Suspension	For Filing Affidavit in Rejoinder	18.6.2024
11	OA955/23	A'bad	Adv K B Jadhav (Suresh N Nade)	Refund the Amount Recovery	For Filing Affidavit in Reply	18.6.2024
12	OA1087/23	A'bad	Adv Y B Pathan (Pramod M Kathane)	Transfer	Notice not Collected	30.4.2024
13	OA69/24	Dharash iv	Adv A V Thombre (Satish U Mundhe)	Suspension	Await Service	23.4.2024
14	OA81/24	Nanded	Adv Mohit R Deshmukh (Ganesh M Mupde)	Transfer	Await Service	23.4.2024

15	OA105/24	A'nagar	Adv S S Wagh/ Adv V B Wagh (Radhakisan N Pokharkar & Ors.) <b><u>Adv M S Mahajan For R-3 &amp; R-4</u></b>	Benefits of G.R/ Arrears of Pay Scale	Await Service	6.5.2024
16	OA138/24	Latur	Adv G S Shete (Khandu G Joshi)	Direction/ Continuation in Service	Notice not Collected	26.4.2024
17	OA143/24	A'bad	Adv R G Hange/ Adv K D Khade (Vaijinath S Hange)	Assured Career Progression Scheme	For Filing Affidavit in Reply	9.5.2024
18	OA196/24	O'bad	Adv Rhshikesh A Johsi (Kamlakar I Giri)	Direction Deputation Allowance	Await Service	18.6.2024
19	OA222/24	Jalgaon	Adv Prakashsing B Patil (Govardhan H Chavan)	Minor Punishments/ Salary for Suspension period	Await Service (Return) R-2	19.6.2024
20	OA223/24	A'bad	Adv S S Ware (Kalpana B Padwal)	Leave	Await Service	23.4.2024
21	OA299/24	Nanded	Adv Ganesh R Jadhav (Ramesh M Ade)	Police Patil	For Filing Affidavit in Reply	15.4.2024
22	OA343/24	P'rbn	Adv V B Wagh (Sitaram V Inkare)	Exemption from passing exam/ Benefit of A.C.P.S	Await Service	14.6.2024
<b>Order Matters</b>						
23	MA102/21 In OAS458/21	A'bad	Adv N P Dube (Ashok N jire)	M.A For Condonation of Delay	For Filing Affidavit in Rejoinder	6.5.2024

<b>24</b>	MA358/21 In OASt313/21	Beed	Adv Vikram S Undre (Sarita V Rode)	M.A For Condonation of Delay	<b>Taking Necessary Steps Await Service <u>Ref Order</u> <u>Dtd.21.10.2022</u></b>	6.5.2024
<b>25</b>	MA83/22 In OASt1621/21	Nanded	Adv S G Kulkarni (Sopan P Chavan)	M.A For Condonation of Delay	Await Service	8.5.2024
<b>26</b>	MA280/22 In OASt435/22	Nanded	Adv V G Salgare (Vedant V Joshi)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	10.6.2024
<b>27</b>	MA392/22 In OASt78/22	A'nagar	Adv Prashant B Jadhav (Ashru M Kaldate)	M.A For Condonation of Delay	For Filing Affidavit in Reply	9.5.2024
<b>28</b>	MA545/23 In OASt2125/23	Nanded	Adv G L Deshpande (Ravindra R Joshi)	M.A For Condonation of Delay	For Filing Affidavit in Reply	9.5.2024
<b>29</b>	MA49/24 In OASt1148/21	A'nagar	Adv Amol S Gandhi (Manoranjan M Gatkhal)	M.A for Condonation of Delay	For Filing Affidavit in Reply	19.6.2024

**M.A.NO.129/2024 IN O.A.ST.NO.662/2024**  
(Navalkumar B. Bansode & Anr. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Since the prayers made and reliefs sought by the applicants are identical in nature and are agitating for the similar cause, to avoid multiplicity of litigation, M.A. for sue jointly is allowed and disposed of.

3. O.A. be registered and numbered in accordance with rules after removal of office objections, if any.

**MEMBER (A)**  
YUK ORAL ORDER 01.04.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST.NO.662/2024**

**(Navalkumar B. Bansode & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman  
AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 07-05-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 07-05-2024.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO.382/2024**  
**(Gulab s/o. Sanjay Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri V.B.Dhage, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant insisted for interim relief stating that there is no authority to the respondents to again send applicant for medical examination when the online disability certificate was placed on record by the applicant.

3. The documents reveal that, the disability certificate of the applicant was forwarded for re-verification to the J.J.Hospital Medical Board. In re-verification, the said Board has certified disability of the applicant to the extent of 20%. In such circumstance, it appears to us that, unless the affidavit in reply is filed by the respondents, it may not be possible to reach to any *prima facie* conclusion. From the available documents, we are not convinced that any *prima facie* case is made out

by the applicant for grant of an interim relief thereby directing the respondents to keep the post for differently abled (Divyang) candidate vacant and stay the appointment order dated 15-04-2023 issued in favour of respondent no.4. We are, therefore, not inclined to grant any interim relief. Hence, the following order:

ORDER

4. Issue notice to respondents, returnable on 13-06-2024.
5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal



(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 13-06-2024.

10. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

YUK ORAL ORDER 01.04.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.377/2024**  
(Vasudev S. Mahajan Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.378/2024**  
(Chandrakant V. Belkhede Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.379/2024**  
(Vinod B. Ghewande Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman  
AND  
Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri S.P.Dhoble, learned Counsel holding for Shri Vinod Patil, learned Counsel for applicants in O.A.Nos.377/2024 & 378/2024 and Shri A.B.Chalak, learned Counsel for the applicant in O.A.No.379/2024 and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. It is informed that in the identical matters filed before the Principal Bench of this Tribunal, the Principal Bench has directed the Maharashtra Public Service Commission (MPSC) to file reply by 8<sup>th</sup> April, 2024 and has also given some interim directions as about declaring the dates of interview in advance and its communication to the candidates who are already directed to be interviewed by the Tribunal.

3. In view of the order as has been passed at the Principal Bench, MPSC is directed to file affidavit in reply in the present matters also on or before 10-04-2024.

4. S.O. to 10-04-2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION ST. NO. 545 OF 2024  
(Sainath P. Pujarwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Dhananjay Mane, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the present Original Application pertains to inter-district transfer. The applicant is serving as Police Constable with respondent No. 3 at Sangli and though respondent No. 3 has cleared the proposal for inter-district transfer, the respondent No. 2 i.e. Superintendent of Police, Nanded has not considered the said proposal for the reason that at present there is no vacancy available. Learned counsel submits that in view of the same, the cause of action partly arose before this Tribunal, since the respondent No. 2 i.e. Superintendent of Police, Nanded has refused to consider the proposal about inter-district transfer of the applicant and thus, this Tribunal gets the territorial jurisdiction to decide the present Original Application.

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O.A. St. 545/2024

3. In view of above, I find much substance in the submissions made on behalf of the applicant that the respondent No. 3 i.e. the Superintendent of Police, Sangli is concerned, there is no obstacle as such, since the proposal about inter-district transfer has been cleared by the respondent No. 3. In view of the same, the grievance of the applicant to the extent of respondent No. 2, who is Superintendent of Police, Nanded refused to consider the proposal of inter-district transfer of the applicant for the reason as explained by the applicant. In view of the same, the office objection stands overruled.

4. Issue notices to the respondents, returnable on 10.06.2024.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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O.A. St. 545/2024

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 10.06.2024.

10. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 376 OF 2024**  
**(Vidya U. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Avinash Deshmukh, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Alok Sharma, learned counsel for respondent No. 3 i.e. the Election Commission of India.

2. Learned counsel for the applicant has pointed out that the respondents have not correctly interpreted the clarification dated 18.03.2024 issued by the Secretary, Election Commission of India to the Chief Secretary, Maharashtra State, Mumbai. It has already been observed by this Tribunal in the earlier disposed of the cases that so far as directives issued by the Election Commission of India on 21.12.2023 are concerned, the prime condition which is required to be fulfilled and thus the Election Commission has been following a consistent policy that the officers directly connected with the conduct of elections are required to be transferred in

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O.A. No. 376/2024

two conditions (i) if she / he posted in their home district and (ii) if she / he has completed three years in that district during last four years or would be completing three years on or before 31.06.2024. In the instant case, learned counsel has pointed out that by communication dated 12.01.2024 (Annexure A-3(i)), the Collector, Jalgaon has informed to the State Government that so far as the applicant is concerned, there is no proposal to assign her the election duties.

3. Learned Chief Presenting Officer and Shri Alok Sharma, learned counsel appearing for Election Commission of India seek time to take specific instructions about the said communication from the Collector, Jalgaon to the State Government.

4. In view of above, issue notices to the respondents, returnable on 15.04.2024. **Till then, the status-quo as on today shall be maintained.**

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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O.A. No. 376/2024

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 15.04.2024.

10. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 681 OF 2023**  
**(Dr. Prashant R. Ghodke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Archana Therokar, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri R.T. Deshmukh, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 4 submits affidavit in reply. Same is taken on record and copy thereof is given to other side.

3. S.O. to 18.06.2024 for filing affidavit in reply on behalf of remaining respondents and filing rejoinder affidavit, if any. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 682 OF 2023  
(Dr. Suresh G. Ghule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Archana Therokar, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.K. Rajput, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 4 submits affidavit in reply. Same is taken on record and copy thereof is given to other side.

3. S.O. to 18.06.2024 for filing affidavit in reply on behalf of remaining respondents and filing rejoinder affidavit, if any. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 138 OF 2024  
(Khandu G. Joshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri G.S. Shete, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that inadvertently the notices were not collected.

3. In view of the same, the returnable date is extended by four weeks.

4. S.O. to 26.04.2024.

**MEMBER (J)**

**M.A. No. 460/2023 in O.A. St. No. 57/2023  
(Baburao M. Suryakar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Dhawal Agarwal, learned counsel holding for Shri K.P. Rode, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A. Same is taken on record and copy thereof is given to other side.

3. S.O. to 18.06.2024 for haring.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 955 OF 2023  
(Suresh N. Nade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Archana Therokar, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits separate affidavits in reply on behalf of respondent Nos. 3 & 4 and 5 respectively. Same are taken on record and copies thereof are given to other side.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 18.06.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 248 OF 2022  
(Mogra G. Thakre Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri A.S. Mirajgaonkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri Amit Savale, learned counsel for respondent No. 2, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 12.04.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 121 OF 2021**  
**(Sukhadev S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri D.K. Dagadkhair, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 02.07.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 836 OF 2022  
(Shravan Y. Khairnar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Amol Sawant, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 03.07.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024



**ORIGINAL APPLICATION NO. 794 OF 2023**  
**(Dattatraya N. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Dhananjay Chinchole, learned counsel holding for Shri Jiwan Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file rejoinder affidavit, since the annexures to the affidavit in reply are not received.

3. Learned Presenting Officer assured that the copy of annexures will be given to the learned counsel for the applicant.

4. S.O. to 18.06.2024. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 103 OF 2021**  
**(Dr. Harishchandra T. Kokani Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri I.S. Thorat, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present. Shri R.N. Jain, learned counsel for respondent No. 3, is **absent.**

2. At the request of learned counsel for the applicant, S.O. to 23.04.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 656 OF 2018**  
**(Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Ms. Preeti Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.07.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 88 OF 2019**  
**(Kashinath G. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Ms. Preeti Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.07.2024 for final hearing.

**MEMBER (J)**

**M.A. No. 250/2021 in O.A. St. No. 999/2021  
(Pramod P. Narkhede Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Sanjivani K. Deshmukh-Ghate, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.06.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**M.A. No. 251/2021 in O.A. St. No. 1001/2021  
(Manohar J. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Sanjivani K. Deshmukh-Ghate, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.06.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 222 OF 2024**  
**(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri P.B. Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has pointed out that the respondent No. 2 has refused to accept the notice and there is postal endorsement to that effect.

3. Thus, refusal to accept the notice amounts to service. Learned P.O. to take specific instructions and file affidavit in reply on behalf of other respondents, if any till the next date.

4. S.O. to 19.06.2024.

**MEMBER (J)**

**M.A. No. 12/2021 in O.A. St. No. 34/2021  
(Gorakh B. Dhakane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Dhananjay Mane, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.06.2024 for hearing.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024



**M.A. No. 49/2024 in O.A. St. No. 1148/2021  
(Manoranjan M. Gatkal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Amol Gandhi, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 and 2 in M.A. Same is taken on record along with spare copy for the applicant.

3. List the matter for hearing on 19.06.2024.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 1087 OF 2023  
(Pramod M. Kathane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Y.B. Pathan, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2. Same is taken on record along with spare copy for the applicant.

3. S.O. to 20.04.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 748 OF 2023  
(Shrikant B. Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri A.B. Rajkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof is given to other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of other respondents.

4. S.O. to 19.06.2024. Interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 331 OF 2024**  
**(Ramesh A. Bhutekar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri H.P. Randhir, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 06.05.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 06.05.2024.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 369 OF 2024**  
**(Bhagyashri V. Baulkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri A.I. Deshmukh, learned counsel holding for Shri B.G. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 07.05.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 07.05.2024.

8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

**ORIGINAL APPLICATION ST. NO. 434 OF 2024  
(Bhagwat M. Chaudhari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri H.P. Randhir, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the Original Application is time barred in view of the applicant's first representation dated 20.08.2001.

3. Learned counsel for the applicant seeks time to file application seeking condonation of delay. Time granted.

4. S.O. to 23.04.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 527 OF 2024**  
**(Manojkumar T. Choudhar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Archana Theorkar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.04.2024.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 233 OF 2020  
(Arun A. Ghate Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Smt. Sanjivani A. Ghate-Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 4.

2. It is a part heard matter. By consent, S.O. to 10.04.2024 for further hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 512 OF 2021  
(Usha A. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has placed on record a copy of order dated 30.03.2024 and submits that the applicant has been given the compassionate appointment as Class-IV employee and as such, nothing survives for further consideration in the present Original Application. Copy of the said order is taken on record and marked as document 'X' for identification.

3. Learned counsel for the applicant seeks time to take specific instructions in this regard. Time granted.

4. It is a part heard matter. S.O. to 10.04.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 227 OF 2022  
(Dhanaji S. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri M.B. Kolpe, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. By order dated 23.01.2024, this Tribunal by giving reference to pending W.P. bearing W.P. No. 1967/2021 has admitted the present Original Application by observing that the issue involved in the O.A. is now subjudice before the Hon'ble High Court of Bombay, Bench at Aurangabad.

3. Learned counsel for the applicant submits that the said W.P. No. 1967/2021 is still pending and yet not decided.

4. In view of above, S.O. to 01.07.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 815 OF 2023**  
**(Bijusing D. Gusinge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Swaraj Tandale, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant has already approached the Government for seeking clarification in the light of the G.R. dated 18.10.1997 and the said information is sought under the provisions of Right to Information Act, which is still awaited. Learned counsel submits that the applicant has joined the post of Forest Guard, Nanded, however he has not been paid the salary.

3. Learned Presenting Officer submits that on 22.02.2024 the applicant has joined as Forest Guard at Nanded and the respondents will consider the issue about his salary.

4. In the order dated 12.10.2023 when it was brought to the notice of this Tribunal that the

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O.A. No. 815/2023

applicant has not been paid salary for the post five months, this Tribunal has directed the respondents to remit entire salary of the applicant within two weeks from the date of the order.

5. Learned counsel for the applicant submits that there is no full compliance of the order dated 12.10.2023 and only salary for two months has been paid to the applicant.

6. On both the counts, learned P.O. is directed to take specific instructions from the concerned respondent/s.

7. It is a part heard matter. S.O. to 02.05.2024 for further hearing.

**MEMBER (J)**

**M.A. No. 403/2021 in O.A. St. No. 1539/2021  
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri R.A. Joshi, learned counsel for the applicant.

2. The present matter is not on board. At the request of learned counsel for the applicant, it is taken on board.

3. At the request of learned counsel for the applicant, time is extended by one week for depositing the amount of costs as directed by this Tribunal vide order dated 22.02.2024.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**O.A. Nos. 364, 366 & 367 all of 2024**  
**(Amol T. Mhaske & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri P.M. Nagargoje, learned counsel for the applicants in all these O.As.

2. The present matters are not on board. At the request of learned counsel for the applicant, the same are taken on board.

3. This is motion for speaking to minutes. In the order dated 28.03.2024, inadvertently the returnable date is mentioned as '16.06.2024' instead of '16.04.2024' and the same is now corrected as '16.04.2024'.

4. Accordingly, the motion for speaking to minutes stands disposed of.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 359 OF 2023**  
**(Pravin Balkrushan Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. On earlier occasion in the case of similarly situated employee with the identical facts this Tribunal has disposed of the O.A. No. 612/2022 by order dated 09.02.2024 thereby observing that the G.R. dated 02.02.2024 is about exercising the options by the State Government employees either to obtain for Old Pension Scheme or New Pension Scheme, if their advertisement of their recruitments was published prior to 01.11.2005 and they have been recruited on 01.11.2005 or thereafter.

3. In view of issuances of above G.R. it appears that nothing survives for further consideration in this Original Application. Learned counsel for the applicant has also not disputed the same. The Original Application accordingly disposed of. No costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 506 OF 2023**  
**(Valmik Agatrao Koli Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. On earlier occasion in the case of similarly situated employee with the identical facts this Tribunal has disposed of the O.A. No. 612/2022 by order dated 09.02.2024 thereby observing that the G.R. dated 02.02.2024 is about exercising the options by the State Government employees either to obtain for Old Pension Scheme or New Pension Scheme, if their advertisement of their recruitments was published prior to 01.11.2005 and they have been recruited on 01.11.2005 or thereafter.

3. In view of issuances of above G.R. it appears that nothing survives for further consideration in this Original Application. Learned counsel for the applicant has also not disputed the same. The Original Application accordingly disposed of. No costs.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 719 OF 2023**  
**(Sanjay M. Gitte & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. On earlier occasion in the case of similarly situated employee with the identical facts this Tribunal has disposed of the O.A. No. 612/2022 by order dated 09.02.2024 thereby observing that the G.R. dated 02.02.2024 is about exercising the options by the State Government employees either to obtain for Old Pension Scheme or New Pension Scheme, if their advertisement of their recruitments was published prior to 01.11.2005 and they have been recruited on 01.11.2005 or thereafter.

3. In view of issuances of above G.R. it appears that nothing survives for further consideration in this Original Application. Learned counsel for the applicants has also not disputed the same. The Original Application accordingly disposed of. No costs.

**MEMBER (J)**

**C.P.NO. 43/2023 IN O.A.NO. 09/2022**  
**(Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors.)**

**W I T H**

**C.P.NO. 44/2023 IN O.A.NO. 984/2019**  
**(Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for respondent authorities in both the cases.

2. Learned Presenting Officer has tendered across the bar communication dated 07.01.2024 and the same is taken on record.

3. It is contended that some mistake has occurred in mentioning address and, as such, the service book of the applicant was delivered at some wrong address. It is contended that now that mistake has been corrected and the matter is now under process.

4. Learned counsel submitted that this is a criminal negligence on part of the respondents. Learned counsel pointed out that the order has been passed prior to about one year and for this or other reason the respondents have avoided to comply with the order.

5. Though from the documents it appears that some steps have been taken, the allegation as has been made by the learned counsel for the applicant cannot be out rightly rejected. In the present matter, merely because negligence on the part of some of the officers the delay has been occurred in settling the claim of the applicant. Such practice requires to be deprecated. For reporting final compliance more four weeks' time is granted to the respondents.

6. S.O. to 03.05.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 817 OF 2017**  
**(Dr. Vilas R. Musale Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities.

2. Arguments are heard. Reserved for orders.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 01.04.2024-HDD

**ORIGINAL APPLICATION NO. 715 OF 2019**  
**(Sushma Eknath Chaudhari Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Santosh S. Jadhavar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. S.O. to 05.04.2024. The present case be kept along with O.A. No. 916/2022.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 01.04.2024-HDD

**ORIGINAL APPLICATION NO. 794 OF 2022**  
**(Ishvar Shatrughna Survase Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri S.B. Solanke, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. S.O. to 15.04.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 01.04.2024-HDD

**ORIGINAL APPLICATION NO. 603 TO 609 & 780 ALL OF  
2017**

**(Jaideep Annappa Limbale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman  
AND  
Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. S.O. to 17.04.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 01.04.2024-HDD

**ORIGINAL APPLICATION NO. 412 OF 2022**  
**(Omprakash Hariram Kothari Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 4, are present.

2. S.O. to 15.04.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 01.04.2024-HDD



**O.A. Nos. 217, 218, 228, 236, 238, 239, 240 & 241 all of 2024  
(Ashok U. Giri & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

**SPEAKING TO MINUTES**

Heard Shri Alok Sharma, learned counsel appearing for respondent Election Commission of India in all these O.As.

2. This is motion for speaking to minutes in all these matters, which were disposed of on 18.03.2024 & 21.03.2024.

3. Shri Alok Sharma, appearing for Election Commission of India submits that in all these disposed of matters he has appeared belatedly and made appropriate submissions, however, inadvertently his name is not shown as counsel appearing for respondent Election Commission of India and consequently, also not mentioned in the order that the Tribunal has heard learned counsel appearing for the Election Commission of India.

4. In view of above submissions and since Shri Alok Sharma has adopted the submissions as made by learned Chief Presenting Officer, later on his name shall be added in the orders as counsel appearing for the respondent Election Commission of India and this Tribunal has heard learned counsel Shri Alok Sharma for respondent Election Commission of India.

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5. If the orders are uploaded, by way of this speaking to minutes motion, name of Shri Alok Sharma shall be added in the orders as stated above and orders shall be re-uploaded to that extent only.

6. Accordingly, motion for speaking to minutes stands disposed of.

**MEMBER (J)**

KPB ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 752 OF 2022**  
**(Manisha C. Panchal Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Amol Chalak, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.04.2024. The Interim Relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 80 OF 2024**  
(Vishal A. Dhale Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Party-in-person and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent no. 01. Same is taken on record and copy thereof has been supplied to other side.

3. The party-in-person has placed on record G.R. dated 16.6.2021, as well as, copy of relevant section of Rights of Persons with disabilities Act, 2016, guide published by the Equality and Human Rights Commission about the United Nations Convention on the Rights of People with Disabilities, judgments delivered by the Hon'ble Supreme Court in the cases of **Vinita Saxena vs. Pankaj Pandit and Ravindra Kumar Hariwal vs. the Union of India**. Same are taken on record.

4. The matter was today heard for some time. During the arguments, the learned P.O. pointed out that the matter is referred for further expert opinion to the J.J. Hospital, Mumbai and report thereof is awaited. Party in person submits that the certificates, which are produced on record, are self-explanatory and the illness, which the applicant is suffering from, falls in that category, which is prescribed. However, when the matter has been referred for expert's opinion and when it is brought to our notice, we grant time to the respondents to place the said report on record. It will be open for the party-in-person to make his submissions after the said report is submitted on record.

5. S.O. to 19.4.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 191 OF 2024**  
**(Dipak S. Sherkhane Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri G.J. Kore, learned counsel for the applicant  
**(Absent)**. Shri V.R. Bhumkar, learned Presenting Officer  
for the respondent authorities, is present.

2. The learned Presenting Officer has tendered  
affidavit in reply on behalf of respondent nos. 1 & 2.  
Same is taken on record. He undertook to supply  
copy of reply to other side.

3. S.O. to 24.6.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 157 OF 2020**  
**(Rohidas T. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant has tendered rejoinder affidavit on behalf of applicant. Same is taken on record and copy thereof has been supplied to other side.
3. List the matter for hearing on 14.6.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 341 OF 2022**  
**(Dr. Jayashree E. Bangar Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri S.S. Jadhavar, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri S.B. Solanke, learned counsel for respondent no. 3, are present. None appears for respondent no. 4.

2. On request of learned Presenting Officer, one week time is granted as a last chance for filing affidavit in reply.

3. S.O. to 8.4.2024.

**MEMBER (A)**

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 397 OF 2023**  
**(Shobha A. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri N.S. Kadarale, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri Kedar Pathade, learned counsel holding for Shri R.V. Gore, learned counsel for respondent no. 3, are present.

2. The learned counsel for respondent no. 3 has sought leave to file affidavit in reply. Learned counsel for the applicant does not have any objection to take the same on record. It is taken on record and copy thereof has been supplied to other side.

3. List the matter for hearing on 18.4.2024. The applicant is at liberty to file rejoinder affidavit if he so desires.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 825 OF 2023**  
**(Sonia D. Bogde Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Dhananjay Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.6.2024 for hearing.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 851 OF 2022**  
**(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri K.G. Salunke, learned counsel for the applicant (**present**). Shri S.B. Mene, learned special counsel for respondent no. 1 and Shri Ajay Deshpande, learned special counsel for respondent nos. 2 & 3 (**absent**).

2. S.O. to 8.4.2024. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 685 OF 2019**  
**(Shivaji R. thakare Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri I.S. Thorat, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30.4.2024 for hearing. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 799 OF 2021**  
**(Shirish Yadav Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Dhananjay Chincholkar, learned counsel holding for Shri J.J. Patil, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.4.2024 for hearing. The interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**O.A. NO.932/2023**

**(Ku. Saraswati Makne & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**

**AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri (Dr.) S.G. Nandedkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Not on board. Taken on board.

3. Learned counsel for the applicants seeks extension of time to carry out the amendment in the O.A., which has been allowed by the Tribunal vide order dated 29.2.2024 passed in the M.A. No. 79/2024 filed in the present O.A. Time is extended by one week.

4. O.A. to come on 10.4.2024. The interim relief granted in O.A. to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**C.P. NO. 31/2024 IN O.A. NO. 472/2023**  
**(Bajirao E. Gadade Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondent No. 01, returnable on 16.4.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 16.4.2024.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 375 OF 2024**  
**(Machindra Padale Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri S.S. Dambe, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondent No. 01, returnable on 16.4.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 16.4.2024.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**



**O.A. ST. NO. 1490/2019 WITH M.A. NO. 449/2021**  
**(Sunil M. Lagad Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri A.P. Sonpethkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. When the present Original Application is taken up for consideration along with the Misc. Application, which is filed for seeking condonation of delay, which has occurred in filing the accompanying O.A., it is noticed that the O.A. itself may not be entertainable for the reason that the relief, which has been sought may not be granted. The Original Application is filed seeking the following relief :-

*“(A) This Original Application may kindly be allowed.*

*(B) The Respondents may kindly be directed to collect the information regarding applicant i.e. his posting as a temporary spraying worker under the office of District Malaria Officer, Hingoli from the period 16.09.2003 to 18.01.2004.*

**::-2-::**

**O.A. ST. NO. 1490/2019**  
**WITH M.A. NO. 449/2021**

*(C) It may also be directed to the Respondents that, the applicant may be considered for appointment as a Multipurpose Health Worker as per advertisement of the year 2016.*

*(D) Any other suitable relief be granted in favour of the applicants.”*

3. Applicant cannot seek such direction from this Tribunal for collecting the information for him by the respondents. Since the reliefs claimed in the O.A. are not liable to be granted, the O.A. and M.A. are liable to be disposed of and accordingly the same are disposed of. No order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A. NO. 126/2024 IN O.A. ST. NO. 665/2024**  
(Maya S. Solanki Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Yogesh Jadhav, learned counsel for the applicant and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The present Misc. Application has been filed by the applicant for condonation of delay of 58 days occurred in filing the accompanying Original Application.

3. After having gone through the contents of the M.A., the learned Chief Presenting Officer submits that appropriate order may be passed in the present matter.

4. After having gone through the contents of the Misc. Application, we find that the delay has been sufficiently explained by the applicant. Further, delay is of meager period. In the circumstances, we pass the following order:-

::-2-::

**M.A. NO. 126/2024 IN O.A.**  
**ST. NO. 665/2024**

**ORDER**

- (i) The Misc. Application for condonation of delay is allowed.
- (ii) Original Application be registered in accordance with law.
- (iii) There shall be no order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**O.A. ST. NO. 665/2024**

**(Maya S. Solanki Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman  
AND**

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Yogesh Jadhav, learned counsel for the applicant and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondent No. 01, returnable on 20.6.2024.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. **In case any contingency arises, it would be open for the applicant to move an application for interim relief.**

8. S.O. to 20.6.2024.

9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION ST. NO. 773 OF 2024**  
**(Sakshi Sanjay Naik Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri A.R. Sapkal, learned counsel for the applicant and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Applicant had applied for the post of Agriculture Assistant from Open category in pursuance of the advertisement published on 11.8.2023. Total 189 posts were advertised, out of which 08 were reserved for Project Affected Persons (for short P.A.Ps.). The applicant claims himself to be belonging to that category. Amongst 08 seats reserved for P.A.Ps., 04 were for Open (P.A.P.) category. It is the grievance of the applicant that since the reservation for P.A.Ps. is a horizontal reservation, the candidates claiming reservation of any other class could not have been considered for to be appointed from the Open (P.A.P.) category. It is his contention that if the candidates, who are

belonging to other reserved class and are shown to have been selected against the seats reserved for Open (P.A.Ps) if are sent to their respective categories, the applicant is the person, who has scored highest marks and so he will be selected. In the circumstances, the applicant has filed the present application claiming the following reliefs:-

**“9. Relief Sought:-**

(A) *That by a suitable order, this Hon’ble Tribunal may be pleased to direct the respondent no. 2 to include the name of the applicant in the provisional selection list dated 15.3.2024 for the post of Agriculture Assistant from the open project affected category.*

(B) *That this Hon’ble Tribunal be pleased to declare that inclusion of the name of reserved category candidate in the provisional selection list dated 15.3.2024 for the post of Agriculture Assistant from the Open reserved project affected category is illegal.*

(C) *That by a suitable order, this Hon’ble Tribunal may be pleased to direct the respondent no. 2 to include the name of applicant in the final selection list for the post of Agriculture Assistant from the open project affected category.*

**10. Interim relief, if any prayed for:-**

(A) *That, this Hon’ble tribunal be pleased to direct the respondent no. 2 to keep one post vacant of Agriculture Assistant from the open project affected category pending hearing and final disposal of this Original Application.*

*(B) That pending the admission of this matter the Hon'ble Tribunal be pleased to issue ad-interim order in terms of prayer clause 10(a)."*

3. Learned Presenting Officer submitted that no error has been committed by the respondents. Learned P.O. has invited our attention to the provisional merit list and pointed out that the candidate, who is selected as 4<sup>th</sup> Open (P.A.P.) candidate, has secured 117 marks i.e. more than the applicant, and in the circumstances, the applicant cannot have any grievance. Insofar as the Open seats are concerned, the candidate coming from any class can be considered on his own merit for his selection in the said category.

4. We have gone through the provisional select list. It is revealed that the candidate, who is the last selected in the category of Open (P.A.P.) has scored 117 marks i.e. more marks than the present applicant. The contention of the applicant, that for horizontal reserved seats, the candidates coming from Other Class could not have been considered, is liable to be rejected in view of the settled law that for Open Seats the merit can be the only criteria and



whoever, falls in merit, can be considered for Open seats for his selection. In view of the same, 4<sup>th</sup> candidate is included in the Open (P.A.P.) merit list.

5. After having gone through the contentions raised by learned counsel appearing for the applicant and the learned Presenting Officer, it does not appear to us that any case is made out by the applicant even to issue notices to the respondents. Hence, we pass the following order.

**O R D E R**

The Original Application stands rejected summarily. No order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**M.A.NO. 133 OF 2023 IN O.A.ST.NO. 264 OF 2023  
(Yashoda A. Rathod & Ors. Vs. State of Maharashtra &  
Ors.)**

**WITH**

**M.A.NO. 135 OF 2023 IN O.A.ST.NO. 266 OF 2023  
(Sahebjaan Gulab @ Babu Tadvi & Ors. Vs. State of  
Maharashtra & Ors.)**

**WITH**

**M.A.NO. 137 OF 2023 IN O.A.ST.NO. 306 OF 2023  
(Chaya K. Avhad & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri A.S. Bayas, learned counsel for the applicants in all the matters and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all the matters, are present.

2. At the request of learned Presenting Officer, S.O. to 23.04.2024 for hearing.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024

**M.A.NO. 533 OF 2023 IN O.A.ST.NO. 1802 OF 2023  
(Yashwant D. Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. Suchita Ghongde-Upadhyay, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.04.2024 for hearing.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 516 OF 2021  
(Vishwasrao V. Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.06.2024 for hearing.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 687 OF 2021  
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri I.D. Maniyar, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 01.07.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 856 OF 2022**  
**(Chandrakant V. Sadakal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri N.B. Narwade, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 01.07.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1025 OF 2022  
(Azizkhan Yusufkhan Pathan Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri N.D. Sonavane, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 15.04.2024 for taking instructions and for filing of the written notes of arguments.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 61 OF 2023  
(Madhav D. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 15.04.2024 for hearing. The interim relief granted earlier to continue till then.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024



**ORIGINAL APPLICATION NO. 498 OF 2023**  
**(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. placed on record the copy of Government order dated 11.03.2024. In view of Government order dated 11.03.2024, learned P.O. is directed to take specific instructions in this regard from the respondent Nos. 2 and 3 as the case may be.

3. The applicant came to be retired on 31.07.2021 on attaining the age of superannuation and the retiral benefits have not been granted to her for want of pay fixation. At present there are no obstacles as such in view of Government order dated 11.03.2024 which is placed before this Tribunal by the learned P.O.

4. Learned P.O. is directed to keep the respondent No.3 present before this Tribunal personally on the next date of hearing.

5. S.O. to 12.04.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1052 OF 2023  
(Shrimant A. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Smt. M.A. Kulkarni, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 11.06.2024 for hearing.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 101 OF 2019  
(Ashok R. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.R. Dheple, learned counsel for respondent No.4, are present.

2. S.O. to 06.05.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 406 OF 2019  
(Dayanand V.Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Girish Awale, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.06.2024 for final hearing.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 210 OF 2020  
(Suresh B. Hallikar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri D.V. Khillare, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.06.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 179 OF 2022**  
**(Raju J. Somvanshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri P.M. Shinde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.06.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 736 OF 2023  
(Ushabai P. Tupe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri Akshay S. Tilve, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Though the respondent No.3 is duly served as submitted by learned counsel for the applicant, none appears for her.

3. The affidavit in reply has already been filed on behalf of respondent Nos. 1 & 2.

4. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

5. In view of above, list the matter for admission hearing on 03.05.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 297 OF 2023**  
**(Prashant B. Kahhawa Vs. State of Maharashtra & Ors.)**

**WITH**

**O.A.No. 44 OF 2023 With Caveat No. 03 of 2023**  
**(Prashant B. Kahhawa Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri K.G. Salunke learned counsel for the applicants in both the O.As. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in in both the O.As., are present. Shri R.R. Imale, learned counsel for respondent No.4 in O.A. 297/2023, is **absent**.

2. Heard both sides for some time.

3. Learned counsel for the applicant and learned C.P.O. during the course of submissions have brought to the notice of this Tribunal that even the state level review committee has considered as to whether the suspension of the applicant to be continued or not and decided that the suspension shall be continued.

4. Learned C.P.O. is directed to place before this Tribunal the noting of the said committee on the next date of hearing.

5. **Part heard.**

6. S.O. to 10.04.2024 for further hearing.

**MEMBER (J)**



**M.A.NO. 280 OF 2022 IN O.A.ST.NO. 435 OF 2022  
(Vedant V. Joshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Shri V.G. Salgare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given, no reply has been filed on behalf of respondents.

3. In view of above, list the matter for hearing on 10.06.2024 with liberty to other side to file reply, if any, till then.

**MEMBER (J)**

sas ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO. 267 OF 2024**  
**(Dhanraj K. Pawara Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri Yogesh Jadhav, learned counsel for the applicant and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The present applicant in the year 2018 had also appeared for the post of Forest Guard, however, he lose his selection for technical reason that of spelling mistake in the name of his village. The applicant had approached this Tribunal by filing O.A. No. 220/2018 and the same was disposed on 11.4.2018 with the following order:-

*“1. Heard Shri S.N. Suryawanshi, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.*

*2. Upon hearing both the sides, it appears that merely spelling mistake in the name of the village in concerned document had ultimately led to the disqualifications of the present applicant. It is submitted that in some of the cases even the representation was not considered before disqualification. It is however, unfortunately an*

*admitted fact that the selection process is already completed and the candidates are also appointed.*

*3. In the circumstances, the present Original Application is disposed of with the direction to the concerned respondents that the present applicant be considered in the next selection process as per the rules and law. There shall be no order as to costs.”*

3. The learned counsel for the applicant submitted that after 2018, the recruitment took place in the year 2023 and the applicant had applied for the post of Forest Guard in pursuance of the advertisement published in that regard. The applicant belongs to Scheduled Caste category. In the written test the applicant secured 62 marks out of 120. It is the grievance of the applicant that neither his name has been included in the list of selected candidates nor he has been communicated any reason for not having his name in the merit list. Learned counsel submits that when the applicant has scored more marks than the cut off, he must have been included in the list of eligible candidates and must have been allowed to participate in the further process of selection. In the circumstances, the applicant has filed the present Original Application seeking the following reliefs :-

*“(A) By issuing appropriate orders or directions in the like nature the respondent authorities may kindly be directed to consider the representation of the applicant dated 05.12.2022 thereby, to consider him for the post of ‘Forest-Guard (Group-D)’ on priority basis in the Forest-guard Selection Process – 2023 as per Advertisement dated 08.06.2023 as directed by this Hon’ble Tribunal by order dated 11.04.2018 passed in O.A. No. 220/2018.*

*(B) By issuing appropriate orders or directions in the like nature, the respondent authorities may kindly be directed to add the name of the present applicant in the final Selection & Waiting list dated 8.2.2024 and consider him as a qualified candidate for further selection process.*

*(C) Pending hearing and final disposal of the present Original Application, the present respondent authorities be directed to keep one post vacant for the applicant.*

*(D) Grant ad-interim relief to in terms of prayer clause ‘D’ as mentioned above.*

*(E) Any other suitable, just and equitable relief may kindly be granted in favour of the applicant.”*

4. Learned Presenting Officer invited our attention to the list of selected candidates and more particularly the list of S.T. selected candidates from all categories. Learned P.O. pointed out that all these candidates, who have been selected from S.T. category, have earned more marks than the present applicant and that is the reason his name has not been appeared in the list of selected candidates.

5. We have also noticed that the candidate selected from S.T. (General) has received 86 marks in the written test, whereas 80 marks in the running test and thus secured total 166 marks. The last S.T. (General) candidate has scored 90 marks in the written test, whereas 25 marks in the running test and thus scored total 115 marks. Even the last wait listed candidate from S.T. (General) category has secured 82 in the written test and 70 marks in the running test and has thus received total 152 marks.

6. Learned counsel for the applicant submitted that for written test the applicant has been given 62 marks, whereas in the running test 10 marks are given to him and thus he scored total 72 marks. From the merit list it is obvious that the candidates, who have been more meritorious than the applicant, have been selected. In the circumstances, there cannot be any grievance that though the applicant has possessed merit, he has not been selected. No case is made out by the applicant for grant of any relief and the O.A. deserves to be rejected summarily. Hence, we pass the following order:-

::-5-::

**O.A. NO. 267 OF 2024**

**O R D E R**

The Original Application stands rejected summarily. No order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 01.04.2024

**ORIGINAL APPLICATION NO.945/2023 & 960/2023**  
**(Sumit Lande & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman**  
**AND**  
**Shri Vinay Kargaonkar, Member (A)**

**DATE : 01.04.2024**

**ORAL ORDER :**

Heard Shri S.S.Jadhavar, learned Counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicants seeks leave to delete name of applicant no.2 in O.A.945/2023 stating that in premise of the subsequent events occurred the applicant no.2 has filed exhaustive O.A. claiming some more reliefs along with reliefs claimed in the present matter.

3. In view of the submission made leave as prayed for is granted. Name of applicant no.2 be deleted from the array of applicants in O.A.945/2023. Accordingly, O.A.No.945/2023 stands disposed of so far as the applicant no.2 is concerned.

4. Both these matters pertain to the recruitment of Deputy Education Officer, Maharashtra Education Services, Group-B (Administration). It is

the case of the applicants that the cut-off marks were provided for written examination and since the applicants received less number of marks than the cut-off, assuming that they have no case to participate in the further selection process, they did not take any action. It is the further case of applicants that, however, when the select list was published, the applicants noticed that the candidates scoring less than the cut-off marks were also called for interview and their names have appeared in the list of selected candidates. It is the grievance of the applicants that when the candidates not scoring the cut-off marks were also called for interview, the respondents must have called the applicants also for interview. Applicants have, therefore, approached this Tribunal seeking directions against the respondents to call the present applicants also for interview and consider them for appointment on the post of Deputy Education Officer.

5. After the submissions made by the learned Counsel appearing for the applicants, learned P.O. submitted that in relation to the eligibility of primary teachers to compete for the post of Deputy



Education Officer, 2 O.As. were preferred before this Tribunal. Against the orders passed in those O.As., two Writ Petitions were preferred before the Hon'ble Bombay High Court. Learned P.O. further submitted that in both the Writ Petitions separate orders were passed by the Hon'ble High Court and the said orders were challenged before the Hon'ble Apex Court. Learned P.O. submitted that in the SLP so filed, the Hon'ble Supreme Court has stayed the orders passed in both the Writ Petitions. Learned P.O. further submitted that because of the order passed by the Hon'ble Apex Court, recruitment process has not been carried further. Learned P.O. in the circumstances prayed for time to file affidavit in reply and further submitted that, it would be in fairness of the things not to pass any interim order in the present matter till the petitions before the Hon'ble Apex Court are decided.

6. In view of the facts as have come on record, learned Counsel for the applicants also did not press for interim relief at this juncture. In view of the facts as aforesaid, it appears to us that, there may not be any difficulty in granting time to the

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O.A.945/23 & 960/23

respondents to file their affidavit in reply as no progress is likely to be there in the recruitment process because of the pendency of the SLPs before the Hon'ble Supreme Court. Hence, the following order is passed:

ORDER

Time is granted for filing affidavit in reply till 26-06-2024. In the meanwhile, if any contingency arises, applicants will be at liberty to mention the matters for circulation.

**MEMBER (A)**

YUK ORAL ORDER 01.04.2024

**VICE CHAIRMAN**