

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 624/2016

(Smt. (Dr.) Aparma R/ Dokondwar V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

**HON'BLE SHRI B.P. PATIL,
MEMBER (J).**

DATE : 04.08.2017.

ORAL ORDER:-

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 to 3, Shri A.S. Deshmukh, learned Advocate for respondent no. 4, Shri H.A. Joshi, learned Advocate for respondent no. 6 and Shri V.C. Suradkar, learned Advocate for respondent no. 7.

2. Learned Advocate Shri Shamsundar B. Patil, for the Applicant has stated that he has received instructions from the applicant to withdraw the present O.A. He therefore, seeks leave of this Tribunal to withdraw the O.A.

3. Leave as prayed for by the learned Advocate for the Applicant is granted.

4. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 55/2017

(Shri Narsing R. Thakur V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

**HON'BLE SHRI B.P. PATIL,
MEMBER (J).**

DATE : 04.08.2017.

ORAL ORDER:-

Heard Shri P.B. Salunke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondents.

2. At the request of the learned Advocate for the applicant, the matter be fixed for final hearing, wherever the next Division Bench is available.

MEMBER (J)

VICE CHAIRMAN (A)

KPB ORAL ORDER 04-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

Review No. 5/2017 in O.A. No. 754/2012

(Dr. Ansari Majid & Others V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

**HON'BLE SHRI B.P. PATIL,
MEMBER (J).**

DATE : 04.08.2017.

ORAL ORDER:-

Heard Shri Milind Patil, learned Advocate for the applicant and Smt. Resha S. Dehmukh, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of the respondents in Review Application. Time granted.

3. S.O. to 29.08.2017 for reply.

MEMBER (J)

VICE CHAIRMAN (A)

KPB ORAL ORDER 04-08-2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

O.A. No. 641/2015 with M.A. No. 111/2017
(Shri Bhagatsingh P. Patil (Pawar) V/s. the State of Maharashtra & Ors.)

**CORAM : HON'BLE SHRI RAJIV AGARWAL,
VICE CHAIRMAN (A).**

AND

**HON'BLE SHRI B.P. PATIL,
MEMBER (J).**

DATE : 04.08.2017.

ORAL ORDER:-

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent no.2. Same is taken on record and the copy thereof, has been served on the learned Advocate for the applicant.

3. S.O. to 24.08.2017.

MEMBER (J)
KPB ORAL ORDER 04-08-2017

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 269/2017 IN OA ST. 950/2017

(Dr. Prasad V. Kulkarni & Ors. Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri Vishnu Dhoble, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.S. Deshmukh, learned Advocate for the respondent no. 4.

2. At the request of learned Advocate for the applicant, S.O. to 16.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 857/2016

(Shri Bhikan P. Sonar & Ors. Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri Suresh P. Salgar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 79/2017

(Shri Md. Kamran Md. Abrar Shaikh Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri Suresh P. Salgar, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 547/2016

(Shri Dattatram U. Rathod Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri Suresh P. Salgar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned Presenting Officer for the State has tendered affidavit in reply on behalf of res. no. 1. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to take instructions from the applicant regarding withdrawal of the present original application, if any.

4. Time granted.

5. S.O. to 18.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. ST. NO. 1033/2017

(Shri Anant B. Nemade Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O seeks time to take instructions from the respondents.
3. Time granted.
4. S.O. to 16.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 797/2016

(Shri Gaurav A. Chavan Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri C.V. Thombre, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. It seen that the affidavit in reply filed by the Director of Services Preparatory Institute, Aurangabad is hopelessly and recklessly drafted.
3. Upon above observation, the learned P.O. prays for time to take instructions from the said authority.
4. Time granted.
5. S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 198/2017

(Shri Yousufuddin Qamruddin Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri Asif Ali, learned Advocate holding for Mrs. A.N. Ansari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant prays for time to study the matter and address the submissions.
3. Time granted.
4. S.O. to 16.8.2017. The interim relief granted earlier to continue till then.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 220/2017

(Archana N. Shendge Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The learned P.O. states as follows :-

'The Collector, Beed undertakes to file fresh affidavit, answering the O.A. and prays for striking off the affidavit, which is already filed.'

3. In view of the request of learned P.O., the affidavit on record at page 57 onwards is struck off from the record. It be removed and be kept in second part.

4. For filing fresh affidavit, S.O. to 16.9.2017 by way of last chance.

5. The interim relief to continue till then.

6. Steno copy allowed to the learned P.O.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 300/2017

(Shri Anil S. Suryawanshi Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 437/2017

(Anita B. Kolgane Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. After hearing for some time the learned Advocate for the applicant prays for leave to withdraw the present original application with a liberty to file fresh original application for the same & additional appropriate reliefs.

3. Permission as prayed for is granted.

4. Accordingly the original application is disposed of as withdrawn with liberty as prayed for.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
MA 21/2016 IN OA 421/2015**

(Saiyed Gaus Sayed Pasha Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri S.G. Kulkarni, learned Advocate holding for Mrs. S.A. Dhongde (Upadhyay), learned Advocate for the applicant and Mrs. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 34/2017

(Shri Chandrakant B. Tayade Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. S/shri B.R. Kedar / S.K. Mathpati, learned Advocates for the applicant **(absent)**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. As the applicant and his learned Advocates are absent, by way of last chance, S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 432/2017

(Shri Kishan P. Ghodekar Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned Advocate seeks time to take instructions from the applicant regarding withdrawal of the present original application, if any.

3. Time granted.

4. S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 23/2017 IN OA 43/2015

(Shri Ramchandra G. Pardeshi Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri T.G. Gaikwad, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. The learned Presenting Officer seeks time to take instructions from the respondents.
3. Time granted.
4. S.O. to 16.8.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 24/2017 IN OA 257/2015

(Shri Dnyanoba G. Puri Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri T.G. Gaikwad, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. The Misc. Application is hereby disposed of in view of compliance.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 316/2017 IN OA ST. 427/2017

(Kum. Kiran S. Tidke Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri P.G. Tambde, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Mrs. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. The present misc. applicant has been filed by the applicant for permission to amend the original application as per the draft amendment annexed therewith at Annex. A.

3. Perused the misc. application. Considered the contentions.

4. For the reasons stated in the misc. application it is allowed and the applicant is permitted to amend the original application as per annex. 'A'. There shall be no order as to costs. .

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD
OA ST. 427/2017

(Kum. Kiran S. Tidke Vs. the State of Mah. & Ors.)

CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri P.G. Tambde, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Mrs. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.
2. Issue notices to the respondents in the original application, returnable on 25.9.2017.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 question 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. 25.9.2017.

8. Steno copy & hamdust allowed to both the parties.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

MA NO. 394/2016 IN CP ST. 1810/2016 IN OA 162/2014
(Shri Adhikrao S. Mane Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. It is seen that the order dtd. 9.3.2016 passed by the Tribunal in O.A. No. 162/2014 was complied with by the respondents after filing of present misc. application by the applicant.

3. Affidavit of apology is tendered. It is taken on record.

4. In view of compliance and apology, the misc. application and contempt petition both are disposed of. There shall be no order as to costs.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 689/2015

(Shri (Dr.) Shrikant B. Tambe Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Ms. Ashlesha Raut, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 4 and Shri Shamsundar B. Patil, learned Advocate holding for Shri V. B. Wagh, learned Advocate for respondent no. 6. Shri Pradeep R. Patil, learned Advocate for respondent no. 5 **(absent)**.

2. Learned P.O. prays for four weeks time.

3. Though four weeks' time is prayed for, six week's time is granted, by way of last chance.

3. S.O. to 16.9.2017.

CHAIRMAN

ARJ ORAL ORDERS 4.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 249/2017

(Shri Raja V. Lakkamwad Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. It is seen that the respondents were served on 19.7.2017, however, none appears for respondent the nos. 1 to 3. The learned P.O. is present, however, none for respondent nos. 1 to 3 have contacted him. Therefore, the learned P.O. is directed to furnish names of the incumbents holding the post of Res. nos. 1 to 3. Learned P.O. has furnished those as follows :-

- (a) Respondent no. 1 - Shri Sanjay Deshmukh,
Secretary, Medical Education
& Drugs Deptt., Mumbai.
- (b) Respondent no. 2 - Shri Pravin Shingare,
Director, Medical Education &
Research, Mumbai.
- (c) Respondent no. 3 - Shri (Dr.), R.M. Pawar, Dean,
Govt. Medical College &
Hospital, Latur.

3. These three Officers are called upon to show cause as to why they should not be ordered to pay costs in sum of Rs. 15,000/- personally towards their failure to attend to the notice of this Tribunal and take steps to file affidavit in reply.

4. Affidavit be filed on or before 18.8.2017.

5. The learned P.O. is directed to communicate this order to the concerned respondents.

6. Steno copy / hamdast allowed for the use of learned P.O.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 429/2017

(Shri Krushna L. Basar Vs. the State of Mah. & Ors.)

**CORAM :- Hon'ble Justice Shri A.H. Joshi, Chairman
(D.B. MATTERS)**

DATE :- 4.8.2017

Oral Order :-

1. Heard Shri F.R. Tandale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. It is seen that the respondents were served on or before 4.7.2017, however, none appears for respondent the nos. 2 to 4. The learned P.O. is present, however, none for respondent nos. 2 to 4 have contacted him. Therefore, the learned P.O. is directed to furnish names of the incumbents holding the post of Res. nos. 2 to 4. Learned P.O. has furnished those as follows :-

- (a) Respondent no. 2 - Shri Narendra Sopal, Jt. Director, Sports & Youth Services, Pune.
- (b) Respondent no. 3 - Shri Rajkumar Dattatraya Mahadawad, Dy. Director, Sports & Youth Services, Aurangabad.
- (c) Respondent no. 4 - Shri Suresh Mate, the Commandant, S.R.P.F., Aurangabad.

3. These three Officers are called upon to show cause as to why they should not be ordered to pay costs in sum of Rs. 15,000/- personally towards their failure to attend to the notice of this Tribunal and take steps to file affidavit in reply.

4. Affidavit be filed on or before 18.8.2017.

5. The learned P.O. is directed to communicate this order to the concerned respondents.

6. Steno copy / hamdast allowed for the use of learned P.O.

CHAIRMAN

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**O.A.NO. 636/2015 WITH M.A.NO. 404/2015
(Dr. Mukarram Ahmed Khan S/o. Gulak Gauskhan Vs. The
State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Ms. Bhavna Panpatil, learned Advocate holding for Shri S.B. Talekar – learned Advocate for the applicant and Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed short affidavit and the same is taken on record and the copy of the same has been served upon the learned Presenting Officer.

3. The Original Application has been amended and the copy thereof has been served on the respondents on 2nd August, 2017.

4. Learned Presenting Officer seeks time to file affidavit in reply to the amended Original Application. Time granted.

5. S.O. to 19th September, 2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 512 OF 2017
(Shri Namdeo G. Jadhav Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri Arun S. Shejwal – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. Learned Presenting Officer prays for time to seek instructions from the respondents. Time granted.
5. S.O. to 7th August, 2017.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 04.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.523 OF 2017
(Shri Pratapsing S/o. Karsan Tadvi Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicant stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. NO.523 OF 2017

3. Learned Chief Presenting Officer has stated that he has no instructions and prayed that he may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicant in the present O.A. is also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. NO. 523 OF 2017

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicant has prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicant to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicant as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicant submits at bar that the applicant has filled in application form in time.

13. Applicant in the present O.A. is serving as Teacher in primary schools of Zilla Parishad. He claims that he falls in the category of District Technical Services, Group-C, and that he is eligible to apply, however by impugned communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

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O.A. NO.523 OF 2017

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicant has made out case for grant of interim relief to the extent that he be admitted to examination and allowed to appear. His result may be withheld till next hearing.

15. Respondent-State shall file affidavit within four weeks.

16. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

17. Learned P.O. is directed to communicate this order to the Respondents.

18. Steno copy and Hamdast is allowed to learned P.O..

19. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.524 OF 2017
(Shri Maroti R. Kadam Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicant stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. NO.524 OF 2017

3. Learned Chief Presenting Officer has stated that he has no instructions and prayed that he may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicant in the present O.A. is also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. NO. 524 OF 2017

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicant has prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicant to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicant as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicant submitted at bar that the applicant has filled in application form in time.

13. Applicant in the present O.A. is serving as Teacher in primary schools of Zilla Parishad. He claims that he falls in the category of District Technical Services, Group-C, and that he is eligible to apply, however by impugned communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

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O.A. NO.524 OF 2017

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicant has made out case for grant of interim relief to the extent that he be admitted to examination and allowed to appear. His result may be withheld till next hearing.

15. Respondent-State shall file affidavit within four weeks.

16. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

17. Learned P.O. is directed to communicate this order to the Respondents.

18. Steno copy and Hamdast is allowed to learned P.O..

19. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 307/2017 IN O.A.ST.NO.1064/2017
(Shri Shaikh Mohsin Lalamiya Tamboli & Ors. Vs. The
State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1064 OF 2017
(Shri Shaikh Mohsin Lalamiya Tamboli & Ors. Vs. The
State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1064 OF 2017

3. Learned Chief Presenting Officer has stated that he has no instructions and prayed that he may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1064 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned C.P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 308/2017 IN O.A.ST.NO.1066/2017
(Shri Gopal Prabhakar Dande & Ors. Vs. The State of
Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1066 OF 2017
(Shri Gopal P. Dande & Ors. Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1066 OF 2017

3. Learned Presenting Officer has stated that she has no instructions and prayed that she may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. ST.NO.1066 OF 2017

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1066 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 309/2017 IN O.A.ST.NO.1068/2017
(Shri Omprakash Ratan Thete & Ors. Vs. The State of
Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1068 OF 2017
(Shri Omprakash Ratan Thete & Ors. Vs. The State of
Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1068 OF 2017

3. Learned Presenting Officer has stated that she has no instructions and prayed that she may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. ST.NO.1068 OF 2017

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 12 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1068 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 310/2017 IN O.A.ST.NO.1070/2017
(Shri Bhagwat D. Sonawane & Anr. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

ORAL ORDERS 04.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1070 OF 2017
(Shri Bhagwat D. Sonawane & Anr. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1070 OF 2017

3. Learned Presenting Officer has stated that she has no instructions and prayed that she may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1070 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 311/2017 IN O.A.ST.NO.1072/2017
(Shri Kishor R. Pawar & Ors. Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1072 OF 2017
(Shri Kishor R. Pawar & Ors. Vs. The State of Maha. and
Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1072 OF 2017

3. Learned Presenting Officer has stated that she has no instructions and prayed that she may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. ST.NO.1072 OF 2017

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 12 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1072 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 312/2017 IN O.A.ST.NO.1074/2017
(Shri Rajguru Pralhad Giri & Ors. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1074 OF 2017
(Shri Rajguru Pralhad Giri & Ors. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1074 OF 2017

3. Learned Presenting Officer has stated that she has no instructions and prayed that she may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 12 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1074 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 313/2017 IN O.A.ST.NO.1076/2017
(Shri Anandrao S. Yelve & Anr. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1076 OF 2017
(Shri Anandrao S. Yelve & Anr. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1076 OF 2017

3. Learned Chief Presenting Officer has stated that he has no instructions and prayed that he may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1076 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned C.P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 314/2017 IN O.A.ST.NO.1078/2017
(Shri Chandrakant S. Shinde & Ors. Vs. The State of
Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1078 OF 2017
(Shri Chandrakant S. Shinde & Ors. Vs. The State of
Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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O.A. ST.NO.1078 OF 2017

3. Learned Chief Presenting Officer has stated that he has no instructions and prayed that he may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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O.A. ST.NO.1078 OF 2017

along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 12 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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O.A. ST.NO.1078 OF 2017

communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned C.P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**M.A.NO. 315/2017 IN O.A.ST.NO.1080/2017
(Shri Rajkumar T. Rathod & Ors. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.
2. This is an application preferred by the applicants seeking leave to sue jointly.
3. For the reasons stated in the misc. application and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamp, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1080 OF 2017
(Shri Rajkumar T. Rathod & Ors. Vs. The State of Maha.
and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)
AND
: Hon'ble Shri B.P. Patil, Member (J)**

DATE : 04.08. 2017.

ORAL ORDER:

1. Heard Shri A.G. Ambetkar – learned Advocate for the applicants and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants prays for grant of interim relief, as respondent No. 2 i.e. the Secretary, Maharashtra Public Service Commission, has called for applications from eligible Teachers for the Limited Departmental Competitive Examination-2017 for selection to the post of Maharashtra Education Service, Group-B (Administrative Branch). Learned Advocate for the applicants stated that Principal Seat of this Tribunal at Mumbai by order dated 13.07.2017 in O.A. No. 634/2017 [S.D.Sutar & Ors. Vs. State of Maharashtra and Ors.] has granted interim relief to the similarly situated persons and respondent No. 3 has been directed to allow the applicants therein to submit their application form for appearing in Limited Departmental Competitive Examination-2017, subject to outcome of the O.A. He prayed that the similar interim relief may be granted to the applicants in the present Original Application. He further stated that Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017 has granted similar relief to the similarly situated persons.

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3. Learned Chief Presenting Officer has stated that he has no instructions and prayed that he may be given sometime to seek instructions from the respondent authorities.

4. We find that the Principal Seat of this Tribunal at Mumbai after hearing the representative of the respondents have passed the order on 13.07.2017 granting interim relief. Similar interim relief has been granted by the Nagpur Bench of this Tribunal in O.A. No. 492/2017 by an order dated 17.07.2017. We are of the opinion that the applicants in the present O.A. are also entitled to get the similar interim relief.

5. Issue notices to the respondents, returnable on 16.09.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

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

8. 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.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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along with affidavit of compliance in the Registry within one week. Applicants are directed to file Affidavit of compliance and notice.

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

"22. INTERIM RELIEF PRAYED FOR

(A) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

(B) Pending hearing and final disposal of Original Application, respondent No. 1 to issue the directions to the all concern authorities including the Chief Executive Officers of Zill Parishad to issue the necessary permission to the applicant to appear the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch).

(C) Pending hearing and final disposal of Original Application, to direct the respondent to not take any coercive steps against the applicants as per the communication dated 18.05.2017, 19.05.2017 and 14.07.2017 (Exh. A-3 to 5) issued by the respondents.

(Quote paragraph 22 (A), (B) and (C), page 11 of paper book of O.A.)

12. Learned Advocate for the applicants has submitted at bar that all the applicants have filled in application form in time.

13. Applicants in the present O.A. are serving as Teachers in primary schools of Zilla Parishad. They claim that they fall in the category of District Technical Services, Group-C, and that they are eligible to apply, however by impugned

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communications it is notified that Primary Teachers serving in Zilla Parishad are not eligible to apply, because promotion to Deputy Education Officers are not given to the Primary Teachers.

14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicants have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

16. Respondent-State shall file affidavit within four weeks.

17. We therefore, grant interim relief of foregoing paragraph 15 with notice of Show cause as to why interim relief as prayed may not be granted.

18. Learned P.O. is directed to communicate this order to the Respondents.

19. Steno copy and Hamdast is allowed to learned C.P.O.

20. S.O. to 16.09.2017.

MEMBER (J)

VICE CHAIRMAN (A)

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.747/2015

(Sadhu Kundlik Lohar V/s. The State of Mah. & Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)**

AND

Hon'ble Shri B. P. Patil, Member (J)

DATE : 4th August, 2017

ORAL ORDER:

Heard Shri J.B.Choudhary learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for the Respondents.

2. After this matter was heard for some time, it transpires that the applicant is seeking relief on the ground that he has maintained his seniority in the cadre of Senior Clerk because he has cleared departmental examination as per relevant rules. However, we find copy of the relevant rules are not placed on record.

3. Learned Advocate Shri Choudhary prays for leave of the Tribunal to place a copy of relevant rules on record and also make necessary amendment in the O.A. incorporating submission of the applicant as to how he has not lost seniority viz. a viz. respondent no.5 and how

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O.A.No.747/2015

he is eligible to be promoted as Head Clerk in preference over the respondent no.5. He undertakes to amend the O.A. accordingly within 2 weeks and serve copy of the same on the respondents within 4 weeks.

4. S.O. to 20-09-2017.

MEMBER (J)

VICE CHAIRMAN (A)

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**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.488/2016
AND
ORIGINAL APPLICATION NO.489/2016**

(Suckhdev Shravan Chittee & Another V/s. The State
of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Rajiv Agarwal,
Vice-Chairman (A)**

AND

Hon'ble Shri B. P. Patil, Member (J)

DATE : 4th August, 2017

ORAL ORDER:

Heard Shri S.D.Dhongde learned Advocate for the Applicants and Shri M.P.Gude learned Presenting Officer for the Respondents, in both O.As.

2. Present Applicants are seeking regularization of service from the date of their appointment as Clerks. They are relying on the earlier judgment of this Tribunal dated 21-03-2002 in a group of O.A.Nos.2160/1999 & Ors. and O.A.No.949/2000 and also O.A.No.269/2001 & 746/2001 decided on 08-10-2001. It appears that these 2 orders were regarding the candidates belonging to backward classes who were appointed in a special drive to fill the backlog posts.

3. In the earlier case, applicants were selected for Sardar Sarovar Project by following regular selection process. It was held by the Tribunal that reference to selection by District Selection Board in their appointment order was a mistake and their initial selection was on regular basis.

4. It is not clear as to whether the present applicants were also selected through a regular process. We find that these facts are not covered in the affidavits in reply filed by the respondents. Respondents should clearly specify as to mode of selection of the present applicants and whether they are similarly situated persons as the applicants in the O.As. mentioned hereinabove.

5. Learned P.O. states that he will file affidavit in reply covering these issues within a period of 4 weeks. Time granted.

6. S.O. to 20-09-2017.

MEMBER (J)

VICE CHAIRMAN (A)

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.527/2017.

(Shri S. S. Bangar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri J. S. Deshmukh learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 28.09.2017.

3. Taking into consideration that the present applicant is already superannuated and heavy recovery is ordered, presently, without going into merits of the case interim relief in terms prayer clauses "c" & "d" is hereby granted till further orders. Prayer clauses "c" & "d" runs as under:-

"(c) The impugned communication dtd. 19.07.2017 and 14.07.2017 issued by Respondent no.3 and Respondent no.2 by which recovery of alleged excess amount of Rs.3,44, 735/- (Rupees three lac forty four thousand seven hundred and thirty five only) is sought from

applicant due to erroneous pay fixation given to applicant and same is adjusted from D.C.R.G. amount and other arrears of applicant may kindly stayed.

(d) Respondents may kindly be restrained from recovering the alleged excess amount of Rs.3,44,735/- (Rupees three lac forty four thousand seven hundred and thirty five only) from D.C.R.G. amount and other arrears of applicant.”

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

7. 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.

8. S.O. to 28.09.2017.

9. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.572/2015.

(Shri S. G. Chavan Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned P. O. submits that, two weeks time may be granted for seeking instructions. At his request, S.O. to 21.08.2017 for taking instructions.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.657/2016.

(Shaikh Shabana Murtuza Ali Vs. State of Mah. & Ors.)

CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

None present for the applicant. Heard Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Since last two dates time was sought by the learned Advocate for the applicant to take instructions from the applicant since D.E. is already started.

3. In absence of the learned Advocate for the applicant, S.O. to 19.09.2017 either for making submission regarding the instructions or for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.863/2016.

(ShriB. D. Tathe Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri J. B. Choudhary learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. The learned P.O. files short affidavit in reply to the rejoinder of Respondent no.4 is taken on record. She seeks time to file reply on behalf of Respondents no.1 &
3. It is to be noted that, many chances are already granted. In the circumstances, as a last chance, S.O. to 19.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.939/2016.

(Shri R. B. Salvi Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri J. B. Chaudhary learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents.

2. The learned P.O. seeks time. At his request, S.O. to 13.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.22/2017.

(Shri P. V. Kale Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri J. B. Chaudhary learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time for hearing on admission. At his request, S.O. to 13.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

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

ORIGINAL APPLICATION NO.528/2017.

**(Shri Prakash S/o Tukaram Vaichal Vs. State
of Maharashtra & Ors.)**

**CORAM:Hon'ble Shri Justice M. T. Joshi,
Vice Chairman.**

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri A. S. Deshmukh, learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned P. O. submits that, he would get the instructions from the concerned respondent regarding the reasons if any, for the mid-term and mid-tenure transfer by Fax or otherwise by Monday i.e. 07-08-2017.
3. In the circumstances, at his request S. O. to 07-08-2017.
4. The learned P. O. is directed to act on the Steno Copy of this order.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.166/2017.

(Shri Shaikh Gafar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri S. S. Kotkar learned Advocate holding for Shri V. V. Tarade learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. It appears that, wrong description of the Respondents and wrong Officers are jointed as Party Respondents. Even Superintendent of Police Beed is not joined and non existing party i.e. "The Sub Superintendent of Police" is joined as Respondent no.2.

3. Shri S. S. Kotkar learned Advocate holding for Shri V. V. Tarade learned Advocate for the applicant submits that, he has no instructions in this regard.

4. In the circumstances, S.O. to 20.09.2017 for satisfying the query raised by the Tribunal by the learned Advocate for the applicant.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

O. A. Nos. 234 & 235 of 2017.

CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

COMMON ORAL ORDER:-

Heard Shri A. S. Kulkarni learned Advocate for the applicants in both the matters and Smt D. S. Deshpande learned Presenting Officer for the respective respondents in respective matters.

2. The learned Presenting Officers submit that, the reply of Respondent no.1 Secretary is not presently required. In the circumstances, the said proceedings be proceeded without their reply. These applications be kept together and be placed for hearing on admission on 20.09.2017.

3. S.O. to 20.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.510/2017.

(Shri Santosh S. Vetal Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri I. G. Durrani learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 28.09.2017.

3. Before filing any reply however, the Respondent no.3 is directed to explain as to why even the recruitment process is closed and no person would be appointed as a Police Patil as the decision in the criminal case filed against the Respondent no.4 may take its own time. The explanation be filed on the next date.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

7. 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.

8. S.O. to 28.09.2017.

9. Steno copy & hamdust allowed to both the parties.

VICE CHAIRMAN.

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.366/2017.

(Shri K. H. Patil Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Miss Preeti Wankhade learned Advocate holding for Shri A. S. Deshmukh learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondent no.1. Shri D. T. Devane, learned Advocate for the Respondents no.2 & 3 has filed leave note.

2. Learned P. O. seeks time to make submissions. At her request, S.O. to 28.08.2017. Interim relief to continue till then.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

O. A. Nos. 652, 682 & 683 ALL OF 2016.

CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.

(Division Bench matters)

DATE : 04-08-2017

COMMON ORAL ORDER:-

Heard Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicants in all the matters and Smt. R. S. Deshmukh and Smt. D. S. Deshpande learned Presenting Officers for the respective respondents in respective matters.

2. Shri S. B. Mene learned Advocate holding for Shri Ajay Deshpande learned Advocate for the applicants seeks time to take instructions. At his request, S.O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION Nos.710, 711 of 2015 & O.A.Nos, 364, 768, 895, 904, 908 of 2016 and 155 of 2017.

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

COMMON ORAL ORDER:-

Heard Shri R. P. Bhumkar learned Advocate for the applicant and S/Shri N. U. Yadav, M. P. Gude, S. K. Shirse, Smt. D. S. Deshpande, Smt. S. K. Ghate Deshmukh learned Presenting Officers for the respective respondents in respective matters, Shri G. N. Patil, learned Advocate for the Respondents no.2 to 6 in OA No.364/16, Shri Sham Patil for the Respondent no.3 in OA No.155/2017 and Shri S. D. Dhongde, learned Advocate for the Respondent no.4 in OA No.768 and 904 of 2016. Shri D. T. Devane learned Advocate for the Respondent no.3 in OA No.908/2016 has filed leave note.

2. The respective Presenting Officers submit that, some time may be granted to file affidavit in replies.

3. It is to be noted that, last chance is already granted and even if in O. A. No.709/2015 affidavit in reply of the

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same office is filed. One is therefore, understand as to why the reply in other cases from the same Department is not being filed.

4. In the circumstances, last chance is granted to file affidavit in replies with a caveat that, in case no replies filed on the next date then heavy costs will be imposed on the respondents in each matters.

5. S.O. to 07.09.2017.

6. The learned P. Os. are directed to act on the Steno copy of this order.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.240/2016.

(Shri R. B. Khajekar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri R. P. Bhumkar learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time. At his request, S. O. to 13.09.2017 for hearing on admission.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

MA NO.18/2016 IN OA ST.NO.1364/2015.

(Shri B. G. Jadhav Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri R. P. Bhumkar learned Advocate for the applicant, Smt R. S. Deshmukh learned Presenting Officer for the respondents no.1 and Shri G. N. Patil, learned Advocate for the Respondents no.4 & 5.

2. The learned P.O. seeks time to file affidavit in reply on behalf of Respondents. At her request, S.O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.709/2015.

(Shri B. C. Hangargekar Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri R. P. Bhumkar learned Advocate for the applicant and Shri N. U. Yadav learned Presenting Officer for the respondents no.1 to 3 and Shri S. D. Dhongde, learned Advocate for the Respondent no.4.

2. The learned P.O. files affidavit in reply on behalf of Respondents no.1. The same is taken on record. Its copy be served on the other side.

3. S.O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.258/2017.

(Dr. Deepashri G. choudhary Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri J. S. Deshmukh learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply.

At his request, S.O. to 19.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.355/2017.

(Shri R. T. Dawange Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri V. K. Kalamkar learned Advocate holding for Shri K. B. Jadhav learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file affidavit in reply.
At his request, S.O. to 18.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.433/2017.

(Shri B. D. Rajput Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri V. K. Kalamkar learned Advocate holding for Shri K. B. Jadhav learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Shri V. K. Kalamkar learned Advocate holding for Shri K. B. Jadhav learned Advocate for the applicant seeks time. At his request, S.O. to 09.08.217.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.582/2016.

(Smt Shobha L. Ballayya (Kutare)

Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

None present for the applicant. Shri V. R. Bhumkar
learned Presenting Officer for the respondents.

2. Nobody has appeared for the applicant on the last
date also. In the circumstances, S.O. to 12.09.2017
either for hearing or for passing necessary orders.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.525/2017.

(Shri P. R. Maske Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

None present for the applicant. Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Nobody has appeared for the applicant though called twice.

3. S.O. to 10.08.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.770/2016.

(Shri Manchakrao P. Paratwagh & Ors.

Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri S. D. Joshi learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to file affidavit in rejoinder. At his request, S.O. to 06.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO.652/2016.

(Shri B. R. Thorat Vs. State of Mah. & Ors.)

CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.

DATE : 04-08-2017

ORAL ORDER:-

Heard Shri K. B. Jadhav learned Advocate holding for Shri H. U. Dhage, learned Advocate for the applicant and Shri S. K. Shirse learned Presenting Officer for the respondents.

2. Shri K. B. Jadhav learned Advocate holding for Shri H. U. Dhage, learned Advocate for the applicant seeks time. At his request S.O. to 07.09.2017.

VICE CHAIRMAN.

ORAL ORDERS 04.08.2017-ATP

