

C.P. 50/2019 IN O.A. 242/2017
(Mohan R. Choudhari Vs. State of Maharashtra & Ors.)
WITH
C.P. 51/2019 IN O.A. 648/2017
(Bhaskar S. Patil Vs. State of Maharashtra & Ors.)
WITH
C.P. 52/2019 IN O.A. 878/2016
(Nitinkumar T. Adhe Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **20.01.2022**

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicants in all the three matters, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Smt. Sunita D. Shelke, learned Counsel for respondent nos. 2 & 3 / 3 & 4 in respective matters, are present.

2. The learned Counsel for respondent nos. 2 & 3 has tendered across the bar affidavit in reply of the concerned respondents. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant.

3. S.O. to 10.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 474/2018
(Prashant P. Vaidya Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned Counsel for the applicant, S.O. to 10.2.2022.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 596 AND 597 BOTH OF 2018
(Dr. Sunil P. Bhandare & Anr. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri Gajanan S. Shembole, learned Counsel for the applicants in both the matters (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. At the request of learned C.P.O. for the respondents, S.O. to 22.2.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 375/2019
(Vijaykumar G. Mane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri Sushant B. Choudhary, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri K.B. Jadhav, learned Counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 14.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1057/2019
(Jivan B. Thosar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri Swapnil A. Deshmukh, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 14.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 133/2020
(Alka S. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri Sandeep D. Munde, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. At the request of learned Counsel for the applicant, S.O. to 1.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 148/2021
(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 25.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 496/2021
(Prathamesh S. Vaidhya & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri R.K. Ashtekar, learned Counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned Counsel for respondent no. 10, are present.

2. With the consent of both the sides, S.O. to 23.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 698/2021
(Jitesh P. Wagh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri Sandeep D. Munde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned P.O., S.O. to 4.2.2022 for filing affidavit in reply of the respondents. The matter be placed **High on Board**.

MEMBER (A)

MEMBER (J)

**M.A. 325/2019 IN O.A. ST. 1389/2019
(Sukhdeo R. Solankar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri R.K. Khandelwal, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. The learned Counsel for the applicant to submit as to whether the applicant has received the caste validity certificate and if received, shall produce copy thereof on record, on the next date.

3. S.O. to 25.2.2022.

MEMBER (A)

MEMBER (J)

M.A. 308/2021 IN O.A. 492/2021
(Ganesh K. Chate & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 7.2.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO 664/2021

(Shri Sanjay D. Gangawane & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. The applicants are seeking a direction against the respondent nos. 1 to 3 to consider their claim for promotion from the post of Class-III (Group-C) to Class-II (Gazettted). As has been submitted by the learned Counsel for the applicants, in the seniority list of the Class-II (Gr.II) published as on 1.1.2018, the applicants are at sr. Nos. 132, 133, 203, 205 & 345 respectively. It is further contended that in view of the G.R. dated 7.5.2021, certain developments have taken place and in the meeting of Departmental Promotion Committee, names of 152 candidates are shown to be under zone of considerations, however, the names of the applicants do not appear in the said list, though they ought to have find place in the said list. The learned Counsel for the applicants submitted that the process of promotion is likely to be completed and if it

is completed, great prejudice will be caused to the applicants.

3. The learned C.P.O. supported the stand taken by the authorities, which has been reflected in the written reply filed on behalf of the respondents.

4. After hearing the arguments of both the sides, we find it necessary to peruse the original record of the D.P.C. The learned C.P.O. submits that within a week he will produce the said record. The learned C.P.O. in all fairness submits that he will instruct the respondents not to issue the promotion orders till the next date. In view of the submissions so made, following order is passed :-

ORDER

(i) As undertaken by the learned C.P.O. the D.P.C. record be produced on 28.1.2022.

(ii) S.O. to 28.1.2022. The matter be placed **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 518/2021
(Asmita M. Kekan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri A.V. Thombre, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. The learned Counsel for the applicants, on instructions, seeks leave to withdraw the present O.A. insofar as the applicant no. 3 – Shri Mahesh s/o Panditrao Avhad – is concerned.

3. Permission as sought for is granted. The present O.A. stands disposed of as withdrawn insofar as the applicant no. 3 is concerned. Accordingly, name of the applicant no. 3 be deleted from the array of O.A.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 400/2019
(Krushna Gulab Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Shri M.P. Gude, learned Chief Presenting Officer for the respondents, are present.

2. The present matter was not on board. At the request of learned Counsel for the applicant it is taken on board. The learned Counsel for the applicant seeks leave to withdraw the present O.A. No. 400/2019 since in the another O.A. filed by the applicant bearing no. 353/2021, the prayer made in O.A. No. 400/2019 has also been incorporated with other prayers. Hence we pass the following order :-

ORDER

O.A. No. 400/2019 stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 352/2021
(Krushna G. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Today in the present matter the learned P.O. has tendered across the bar the affidavit in reply of the respondent nos. 1 to 5. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant. The learned Counsel for the applicant has substituted the copy of the judgment of Hon'ble Apex Court in Civil Appeal No. 958/2010 [Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr.] with correct and complete copy. It is taken on record.

3. S.O. to 2.2.2022 for further consideration.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 02/2020
(Prakash P. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri M.R. Wagh, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 16.1.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO. 17/2020 IN O.A.NO. 1072/2019
(Ajit Sudas Solanke & Ors. Vs. State of Maha. & Ors.)
& Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants in M.A. No. 17/2020, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 2, Shri Sushil Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for respondent No. 1 in M.A. / applicant in O.A. and Shri S.D. Dhongde, learned Advocate for respondent No. 3 in M.A., are present.

2. Shri D.R. Irale Patil, learned Counsel has filed rejoinder to the affidavit in reply of respondent nos. 1 & 2 in O.A. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 7.2.2022. The intervention application be heard along with O.A.

MEMBER (A)

MEMBER (J)

M.A. 426/2021 IN O.A. 112/2020
(Shital B. Tarate Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 10.2.2022 for hearing. The matter be placed **High on Board**.

MEMBER (A)

MEMBER (J)

O.A. NO. 535/2013 WITH O.A. 575/2013
(Shubhangi A. Shejul & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri S.S. Jadhavar, learned Counsel for the applicants in both the matters and Smt. M.S. Patni, learned Presenting Officer for the respondents in both the matters, are present.

2. With the consent of both the sides, S.O. to 9.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 556/2014
(Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 2.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 575/2014
(Deepak B. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri A.D. Gadekar, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 2.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 583/2014
(Bhausahab S. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri S.S. Thombre, learned Counsel for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos. 1 to 3 and Shri A.C. Deshpande, learned Counsel for respondent nos. 5 & 6, are present.

2. With the consent of both the sides, S.O. to 2.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 43/2015
(Ramchandra G. Pardeshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri T.G. Gaikwad, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 4.2.2022 for final hearing. The mater be placed **High on Board**.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 807/2016
(Madhukar N. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **20.01.2022**

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Counsel for respondent no. 2, are present.

2. With the consent of both the sides, S.O. to 4.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**T.A. 5/2018 (W.P. 9261/2018
AND
T.A. 6/2018 (W.P. 9314/2018
(Pravin C. Janjal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri Nitin S. Kadarale, learned Counsel for the applicants in both the matters and S/shri M.S. Mahajan & I.S. Thorat, learned Chief Presenting Officer & Presenting Officers for the respective respondents in respective matters, are present.

2. With the consent of both the sides, S.O. to 4.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 117/2019
(Sainath K. Matkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri Prasad D. Jarare, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 7.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 212, 213, 214, 355 AND 439 ALL OF 2019
(Sunder S. Waghmare & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri D.R. Irale Patil, learned Counsel for the applicants in all these matters, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay S. Deshpande, learned Counsel for respondent nos. 3 to 5 in O.A. no. 355/2019 / respondent nos. 4 to 7 in O.A. No. 439/2019 and Shri S.B. Mene, learned Counsel for respondent no. 2 in O.A. no. 439/2019, are present.

2. With the consent of both the sides, S.O. to 7.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 561/2019
(Ramesh P. Barhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 & 2, are present. None appears for respondent no. 3.

2. With the consent of both the sides, S.O. to 9.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 223/2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri S.S. Jadhavar, learned Counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 2.2.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**C.P.36/18 IN O.A.846/11 WITH C.P.37/18 IN
O.A.843/11 WITH C.P.38/18 IN O.A.842/11 WITH
C.P.39/18 IN O.A.278/12 WITH C.P. 40/18 IN O.A.
634/11 WITH C.P.41/18 IN O.A.277/12
(Vilas S. Patil & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicants in all these cases has filed leave note. Mrs. Deepali S. Deshande, learned Chief Presenting Officer for the respondents, present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 in C.P. Nos. 36, 37 & 38 of 2018 and the same is taken on record. She undertook to serve the copy of the same on the learned counsel for the applicants.

3. S.O. to 25.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**C.P.NO. 7/2021 IN O.A.NO. 768/2017
(Rajan A. Lengde & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4, are present.

2. Shri S.B. Mene, learned counsel has filed affidavit in reply on behalf of respondent Nos. 2 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 25.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 1020 OF 2019
(Deepak B. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

3. S.O. to 28.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 1035 OF 2019
(Dr. Sonali B. Sayamber Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. List the matter for hearing on 28.2.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 84 OF 2020
(Chunilal M. Yawalkar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri Anant D. Sugdare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 28.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 408 OF 2020
(Bharat G. Jaybhaye Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri D.B. Pokale, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 28.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 31 OF 2021
(Sattar Khan Jamal Khan Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri Asif Ali, learned counsel holding for Ms. A.N. Ansari, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent No. 1 and Shri M.P. Gude, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for the respondents, S.O. to 1.3.2022 for filing affidavit in reply of the respective respondents.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 228 OF 2021
(Mukesh K. Ghuge Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 1.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 271 OF 2021
(Shivaji S. Kawade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. List the matter for hearing on 1.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 334 OF 2021
(Madhuri B. Panzade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri Jagdish K. Bansod, learned counsel for the applicant, Smt. M.S. Patni, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Solanke, learned counsel for respondent No. 3, are present.

2. At the request of learned P.O. as well as learned counsel for respondent No. 3, S.O. to 1.3.2022 for filing replies of respective respondents.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 424 OF 2021
(Dr. Vaibhav G. Wakade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, are present. Shri V.D. Patnoorkar, learned counsel for respondent No. 4 (**absent**). None appears for respondent No. 5.

2. At the request of learned P.O. as well as learned counsel for respondent No. 4, S.O. to 1.3.2022 for filing replies of the respective respondents.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 511 OF 2021
(Dr. Sujitkumar S. Randive Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri Vinod M. Vibhute, learned counsel for respondent No. 5, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 564 OF 2021
(Sahas S. Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 634 OF 2021
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri V.S. Panpatte, learned counsel for the applicant and Shri D.R. Patil, learned Chief Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 2.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 12 OF 2022
(Dr. Ganesh G. Kalyankar & Ors. Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 21.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**M.A.NO. 614/2019 IN O.A.ST.NO. 2365/2019
(Hanuman P. Jarare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant sought time for filing affidavit in rejoinder. Time granted.

3. S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

C.P.NO. 26/2021 IN O.A.NO. 834/2016
(Sandu Patilba Ukarde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.01.2022

ORAL ORDER :

Ms. Archana Bhange, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. We direct the learned Chief Presenting Officer to take instructions in the matter and report on the next date of hearing.

3. S.O. to 7.2.2022

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 693 OF 2021
(Shreyas P. Varule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Ms. Vaishali Suryawanshi, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request of learned Presenting Officer, S.O. to 27.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**O.A.NOS. 415, 416 & 417 ALL OF 2020
(Vishal S. Waghmare & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned counsel holding for Shri Suhas R. Shirsath, learned counsel for the applicants in all these cases and Shri I.S. Thorat, Mrs. Deepali S. Deshpande & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective cases.

2. Learned counsel for the applicants submits that in the present OAs the prayer of the applicants was to quash and set aside the departmental enquiry initiated against them alleging that it is in utter violation of the principles of natural justice, rules and regulations in existence. He submits that during the pendency of the present OAs the departmental enquiry has been concluded and in the circumstances the relief claimed in the present OAs has become infructuous. In the circumstances, learned counsel for the applicants, on instructions, seeks leave of this Tribunal to withdraw the present OAs with liberty to file fresh Original Application if any adverse order is passed by the disciplinary authority.

**:: - 2 - :: O.A.NOS. 415, 416 & 417
ALL OF 2020**

3. In view of the aforesaid submissions made by the learned counsel for the applicants, the following order is passed: -

ORDER

The present OAs stand disposed of since withdrawn with liberty as prayed for by the applicants. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**O.A.NO. 793/2021 WITH O.A.NO. 794/2021
(Amit Raju Gaikwad & Anr. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicants in both the cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the cases.

2. In the present matters we have extensively heard the arguments advanced by the learned counsel appearing for the applicants, as well as, learned Presenting Officer appearing for the State. Learned Chief Presenting Officer has also caused indulgence and made some submissions in the matter. Dr. (Smt.) Sunita Golahit, Deputy Director (Nursing), M.S., Mumbai, is also present before this Tribunal.

3. Most of the facts in both the matters are undisputed. In the advertisement published the criteria was to secure minimum 45% marks. Admittedly, the applicants, who are before the Tribunal, had not received the qualifying marks. However, the record reveals that in spite of the fact that qualifying marks are not received to the present applicants, their names were included in the merit list and they were

invited for counseling. It is further revealed that thereafter the scrutiny of the documents was made and the applicants were given appointment. It is further revealed that both the applicants have relinquished their jobs with Zilla Parishad for joining the present service. It is also a matter of record that after the applicants had worked for more than a month the order of termination came to be issued and served on the applicants by means of Whatsapp message.

4. We had called for the original documents also for our perusal. Today, the said record is made available to us, on perusal of which it is revealed that the persons cast with responsibility of scrutinizing the candidature of the applicants, who had applied for the subject post and to ascertain whether they fulfill the eligibility criteria, have shown callousness in discharging their duties not at one stage, but at all the stages. It is further nowhere mentioned as to what made them to re-scrutinize the documents or the eligibility of the candidates appointed by them, who have started working with them.

5. During the course of the arguments, when a specific query was made in view of the fact that the applicants have relinquished their previous jobs for accepting the present job and in the circumstances the equity demands that they

cannot be thrown out of the employment for the mistake committed by others, learned Chief Presenting Officer has made two submissions; (i) that the department at its level will reexamine the cases of the applicants in view of the fact that the department is in dire need of pediatric nurses, and more particularly when Government is not getting qualified persons for to be appointed on the said posts and the said posts are still lying vacant to accommodate present applicants, if possible: (ii) that an endeavour will be made and it will be ensured that the present applicants are restored to their previous job which they have relinquished.

6. We find that both the proposals are reasonable and hence, we adjourn the matter for three weeks, so as to receive response from the Government on the proposal so submitted before this Tribunal.

7. Learned counsel appearing for the applicants has expressed some reservation as about the second proposal and has submitted that as and when occasion arises, he will make submissions on the said issue.

8. S.O. to 14.2.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 372/2021 IN O.A.NO. 337/2021
(Sandip D. Golwal & Anr. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Heard Shri A.R. Borulkar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. This Misc. Application is filed by the applicants seeking permission of this Tribunal to delete the respondent Nos. 4 & 5 from the array of respondents in O.A.

3. Today, learned counsel appearing for the applicants submits that the applicants do not wish to press the present M.A. and submitted that the same may be disposed of.

4. In view of the aforesaid submission made on behalf of the applicants, the M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

**M.A.NO. 333/2021 IN O.A.NO. 337/2021
(Sandip D. Golwal & Anr. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Heard Shri A.R. Borulkar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. This Misc. Application is filed by the applicants praying to fix the O.A. for hearing.

3. Since now the O.A. is taken up for hearing, the present M.A. does not survive and, therefore, the same stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**ORIGINAL APPLICATION NO. 337 OF 2021
(Sandip D. Golwal & Anr. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.01.2022

ORAL ORDER :

Shri A.R. Borulkar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.01.2022-HDD

**M.A.NO.240 OF 2020 IN O.A.ST.NO.570 OF 2020
WITH
M.A.NO.241 OF 2020 IN O.A.ST.NO.569 OF 2020
WITH
M.A.NO.257 OF 2020 IN O.A.ST.NO.1154 OF 2020
WITH
M.A.NO.258 OF 2020 IN O.A.ST.NO.1076 OF 2020
(Rajendra R. Shah & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.02.2022

ORAL ORDER :

Shri R.A. Joshi, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned C.P.O., Smt. Deepali S. Deshpande, Smt. M.S. Patni and Shri B.S. Deokar, respective learned Presenting Officers for the respondents in respective matters, are present.

2. By consent of both the sides, S.O. to 18.02.2022 for hearing.

MEMBER (A)

Date :20.01.2022

ORIGINAL APPLICATION NO.38 OF 2022

(Dilip Baban Bharaskar V/s The State of Maharashtra & Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

1. Shri P.G. Tambade/Shri A.P. Palve, learned Advocates for the applicant and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present
2. Circulation is granted. Issue notices to the respondents, returnable on 22.02.2022. The case be listed for admission hearing on **22.02.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date :20.01.2022

**ORIGINAL APPLICATION NO.44 OF 2022
(Rekha Digambar Wagatkar & Anr. V/s The State of
Maharashtra & Ors.)**

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai**

1. Shri Subhash Chillarge, learned Advocate for the applicants and Shri M.S. Mahajan, ld. C.P.O. for the respondents, are present
2. Circulation is granted. Issue notices to the respondents, returnable on 15.02.2022. The case be listed for admission hearing on **15.02.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

REGISTRAR