

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

**O.A.Nos. 483/2018,255/2019,256/2019,257/2019 &
258/2019 -**

Heard Shri Y.P. Kaslikar, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 4/7/2022.**

Member (J).

dnk.

O.A. 499/2017 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 5/7/2022.**

Member (J).

dnk.

O.A. 139/2020 (S.B.)

(Smt. S.K. Sarode Vs. State of Mah. & Ors.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri A.N. Dighore, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The applicant applied for compassionate appointment on the post of Surveyor. Her request was not considered by the respondents on the ground that the applicant was not qualified for the post of Surveyor and therefore it was informed to the applicant by letter dated 1/4/2021 stating that she has not acquired qualification of Diploma in Civil Engineering and was not having the qualification from recognised Industrial Training Institute of passing trade of Surveyor of two years. Therefore, she was not appointed.

3. The learned P.O. has filed letter dated 24/1/2022. It is taken on record and marked Exh.-X for identification. This letter shows that the applicant is eligible for the post of Surveyor. As per the letter dated 24/1/2022, if the course of Surveyor trade is passed from ITI, then such candidate is eligible for the post of Surveyor. The applicant has passed Surveyor trade examination of one year and such Certificate issued by Ministry of Skill Development and Entrepreneurship and National Council for Vocational Training. National Trade Certificate is filed at page no.54. It is clear that the applicant has passed the examination of Surveyor from the Institute of Mahatma Phule Private Industrial Training Institute, Parsodi, Wardha Road, Post Khapri Railway, Nagpur. The letter dated 24/1/2022 shows that the candidate must acquire the qualification as “मान्यता प्राप्त औद्योगिक प्रशिक्षण संस्थेचे सर्वेक्षक व्यवसायाचे प्रमाणपत्र” ग्राह्य धरण्यास शासन मान्यता देण्यात येत आहे. As per this letter, the two years period is deleted. The applicant has passed examination of Surveyor trade examination of one year. In view of the letter dated 24/1/2022, she is qualified for the post of Surveyor. In view that of the matter, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to enter the name of the applicant in the waiting list which was deleted at the same serial number (which was deleted by the respondents) of seniority list of appointment on compassionate ground.

(iii) The respondents are directed to maintain seniority of the applicant in which she was originally having.

(iv) The respondents are directed to provide employment to the applicant on the post of Surveyor trade, if it is available as per the rules.

(v) No order as to costs.

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

C.A. 137/2020 in O.A. St. 66/2020 -

None for the applicant. Shri S.A. Sainis,
Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three
weeks** for filing reply on C.A.

Member (J).

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

MCA No. 06/2020 in O.A. 03/2020 -

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. Shri N.R. Saboo, Id. counsel submitted that he has already filed Vakalatnama in the office on behalf of the applicant.

3. The office is directed to take necessary steps in this regard.

S.O. 22/6/2022.

Member (J).

dnk.

O.A. 123/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2 to 4. It is taken on record. He submits that it is sufficient to decide the matter.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J).

dnk.

O.A. 560/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Shri B. Chandrikapure, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is given to the applicant.
3. At the request of Id. P.O., **S.O. three weeks** for filing reply of other respondents.

Member (J).

dnk.

O.A. 733/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri D.M. Kakani, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

2. As per the submission of learned counsel for the applicant, the impugned transfer order is subsequently cancelled by the respondents / authority and now there is no any grievance of the applicant and therefore prayed to dispose of the matter.

3. In view of the submission, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

O.A. 783/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Member (J).

dnk.

O.A. 864/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Shri Y.P. Kaslikar, Id. counsel holding for
Shri P.S. Patil, Id. counsel for the applicant and
Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 11/7/2022**
for filing reply.

Member (J).

dnk.

O.A. 184/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

Hamdast not collected for R-2&3.

The learned counsel for the applicant submits that she will collect the hamdast and serve it.

At the request of Id. counsel for the applicant, **S.O. after four weeks.**

Member (J).

dnk.

O.A. 283/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

None for the applicant. Heard Shri M.I.
Khan, Id. P.O. for R-1.

Hamdast not collected for R-2 to 12.

S.O. after four weeks.

Member (J).

dnk.

O.A. 686/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

Member (J).

dnk.

O.A. 1016/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri A.P. Khadatkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondent nos. 1 to 3 & 7 and Smt. A.A. Pande, Id. counsel for R-4. None for other respondents.

2. The Id. P.O. files reply of R-7. It is taken on record. Copy is given to the other side.

3. The learned counsel for R-4 seeks time for file reply. At her request , **S.O. after three weeks.**

Member (J).

dnk.

O.As. 151,152,191 & 390 of 2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Smt. N.S. Pathan, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply.

Member (J).

dnk.

O.A. 621/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

C.A. 221/2022 -

Heard Shri G.R. Sadar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. The common grievance is sought by all the applicants. The applicants are permitted to file Jt. O.A.

3. In view of above, the C.A. is allowed and disposed off.

O.A. 621/2022 –

Heard Shri G.R. Sadar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **after three weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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 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 within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. after three weeks.**

Member (J).

dnk.

O.A. 307/2022 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri G.N. Khanzode, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1&2 and Shri S.N. Gaikwad, Id. counsel for R-3 (Caveator).

At the request of Shri S.N. Gaikwad, Id. counsel for R-3 (Caveator), **S.O. 27/6/2022.**

Member (J).

dnk.

O.A. 279/2018 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri D.M. Kakani, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

2. This O.A. is filed for interest on the amount of Pension, Gratuity. Encashment of leave, GIS etc. The reply filed by the respondent nos.1&2 at page no.28 in which it is specifically submitted that all the interest are paid and details are given in the reply. The amount of interest of Rs.3,96,641/- is said to be paid to the applicant.

3. As per the submission of learned counsel for the applicant, he has contacted the applicant, but he is not responding it. It appears that the applicant must have received the amount of interest, therefore, he is not responding to his Counsel.

4. In that view of the matter, the O.A. is disposed off as it is satisfied. No order as to costs.

Member (J).

dnk.

O.A. 846/2021 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri P.S. Patil, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. The learned counsel for the applicant has filed additional affidavit of applicant. It is taken on record and copies are served to the other sides.

3. At the request of Shri S.N. Gaikwad, Id. counsel for R-4, **S.O. 27/6/2022.**

Member (J).

dnk.

O.A. 70/2019 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri P.S. Patil, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and none for R-3.

2. The learned counsel for the applicant has pointed out statement of Head Master as the order passed by the SDO, Sindkhedraja. As per the statement of Head Master, there was some overwriting in the School leaving Certificate, whereas, the order of SDO shows that there was no any overwriting. Therefore, the respondent no.3 is directed to file xerox copy of his School leaving certificate.

3. The learned counsel for R-3 is not present today. Hence, issue notice to respondent no.3 to remain present before this Tribunal on 18/7/2022.

S.O. 18/7/2022 (PH).

Member (J).

dnk.

O.A. 116/2020 (S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).**

Dated : 20/06/2022.

Heard Shri P.S. Patil, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

With the consent of learned counsel for parties, **S.O. 24/6/2022.**

Member (J).

dnk.

O.A. 646/2022 (S.B.)

(Shri Yashwant S/o Dhondbaji Pittule Vs. State of Maharashtra & Ors.)

Coram: Hon'ble Shri Justice M.G. Giratkar, Member (J).

Dated : 20/06/2022.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. At the request of learned counsel for the applicant, the matter is taken on today's Board.

3. The learned counsel for the applicant submitted that the applicant is suffering from heart disease and he was advised for Angiography. He has pointed out the Medical Certificates in that regard. The learned counsel for the applicant has pointed the G.R. dated 9/4/2018 (P-35 to 56). He has pointed out para-3 of the Schedule. As per this Schedule, the request of the employee who is suffering from Cancer, Heart disease etc. be considered for posting as per his/ her convenience and availability of posts.

4. As per the impugned order dated 26/5/2022, the applicant was transferred from Nagpur to Pune. The said impugned transfer order was challenged before this Tribunal in O.A. 590/2022. The Hon'ble Vide Chairman vide order dated 3/6/2022 disposed off the said O.A.

directing the respondents to consider the grievance of the applicant by giving weightage to the G.R. dated 9/4/2018. Thereafter, the respondent has passed the order dated 16/6/2022 and request of the applicant is turned down stating that there is no other post available in Vidarbha Region, except Nagpur and the applicant has completed his normal tenure of posting at Nagpur and therefore his request was rejected.

5. The learned counsel for the applicant has submitted that the applicant is suffering from heart disease and he is advised for Angiography. It is pertinent to note that more medical facility is available at Pune as compared to Nagpur and therefore this ground cannot be taken into consideration for cancellation of the transfer order. Moreover, G.R. dated 9/4/2018 pointed out by the learned counsel for the applicant is very clear. The options given by the employee who is ailing from the disease of Cancer, heart disease etc. shall be considered, if the post is vacant as per his/ her convenience. The impugned order shows that there is no post vacant in the Vidarbha Region and therefore the applicant's request for cancellation of the transfer order was not considered.

6. The learned counsel for the applicant has pointed out at page no.93 of O.A. and submitted that 16 posts are vacant at Nagpur. The order itself is very clear that except Nagpur,

there is no post available for transfer of the applicant. The applicant has completed normal tenure at Nagpur and therefore the impugned order cannot be said to be illegal. Hence, the relief claimed by the applicant cannot be granted.

7. In view of above, the O.A. is disposed off. No order as to costs.

Member (J).

dnk.

**

O.A. 915/2018 (S.B.)

(Prakash M. Borkar Vs. State of Mah. & Ors.)

Coram: Hon'ble Shri Justice M.G. Giratkar,
Member (J).

Dated : 20/06/2022.

ORDER

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for R-1 to 4. None for R-5.

2. The applicant has challenged the order passed by respondent no.4 appointing the respondent no.5 on the post of Police Patil. The order is dated 8/6/2018. The following reliefs are prayed –

“(A) Stay the effect and operation of the order dated 8/6/2018 issued by respondent no.4.

(B) Grant any other reliefs.”

3. The impugned appointment order in favour of respondent no.5 is not stayed by this Tribunal.

4. The learned P.O. has pointed out the decision of the Hon'ble Supreme Court in case of **Madras Institute of Development Studies & Ano. Vs. K. Sivasubramaniyan & Ors.,(2016) 1 SCC 454.** The Hon'ble Supreme Court has held that “ *When a candidate consciously takes part in selection process, he subsequently cannot turn around and question very selection process. Moreover, even on merits, contention that selection process bypassed regulations was not correct. Selection Panel consisted of eminent academicians and their integrity not challenged. Decision in academic matters cannot be examined under writ jurisdiction in absence of malafides, bias of arbitrariness, etc. Selected candidates possessed requisite qualification, hence, their appointment cannot be questioned. Only after results were declared, R-1 turned around and challenged selection process and such a thing is impermissible. In the writ petition the only relief sought for is to quash the order of appointment without seeking any relief as regards the appellant's own candidature and entitlement to the said post. Division Bench of High Court should not have interfered with appointment of successful candidates. Appointment of selected candidates valid, hence restored—*”

5. In the present case, the relief is in respect of grant of stay to the impugned appointment order of respondent no.5. There is no other relief claimed by the applicant. Moreover, the applicant has taken part in the selection process and when he found unsuccessful, then he approached to the Tribunal. In view of the Judgment of Hon'ble Supreme Court in case of **Madras Institute of Development Studies & Ano. Vs. K. Sivasubramaniyan & Ors.,(2016) 1 SCC 454.**, the O.A. is disposed off. No order as to costs.

Lateron –

Shri Vishal Anand, learned counsel appeared on behalf of the applicant.

2. Shri Vishal Anand, learned counsel for the applicant pointed out advertisement dated 1/3/2018 issued by respondent for the post of Police Patil. The said advertisement is at page nos.17 to 24. He has pointed out the para in respect of the interview of the candidates. The said para at page no.23 reads as under –

मुलाखतीचा दिनांक व उमेदवारांची कागदपत्रे तपासणे -

पोलीस पाटील पदाकरिता तोंडी परीक्षा (मुलाखत) दिनांक ०६ एप्रिल, २०१८ पासून दिनांक २१ एप्रिल, २०१८ या कालावधीत परिशिष्ट-३ मध्ये दिनांकाचे समोर दर्शविण्यात आलेल्या गावांचे क्रमानुसार त्या त्या दिवशी घेण्यात येईल. मुलाखतीचे दिवशीच प्रथम उमेदवाराची मूळ (Original)कागदपत्रे तपासण्यात येतील आणि कागदपत्रांच्या तपासणीमध्ये पात्र ठरलेल्या उमेदवारांची प्रत्यक्ष मुलाखत घेण्यात येईल.

तोंडी परिक्षेला अनुपस्थित राहणारा उमेदवार अंतिम निवडी करिता अपात्र ठरेल.

निवड प्रक्रियेमध्ये अपरीहार्य कारणामुळे येणा-या तांत्रिक किंवा अन्य अडचणी उद्भवल्यास निवड प्रक्रियेमध्ये किंवा वेळापत्रकामध्ये बदल करण्याचा सर्वाधिकार निवड समितीला राहतील.’’

3. The learned counsel for the applicant has submitted that the respondent no.5 not appeared for the interview on 11/4/2018 and therefore he is not entitled for the said post. As per the Chart (P-26) interview for the post of Police Patil for village Zadgaon was fixed on 11/4/2018, but respondent no.5 not appeared and therefore subsequently appearing the respondent no.5 is not legal. Hence, the order issued in favour of respondent no.5 appointing on the post of Police Patil is illegal. Hence, impugned order is liable to be quashed and set aside.

4. Heard learned P.O. Shri S.A. Sainis. He has pointed out the reply filed on record and particularly application made by the applicant and endorsement thereon at Annex-R-1. The applicant raised objection on 25/4/2018, when he came to know that he is unsuccessful for the

post of Police Patil. The endorsement shows that the respondent no.5 had already given application stating that he could not appear for interview on 11/4/2018 and thereafter he was interviewed on 12/4/2018 at the request of respondent no.5.

5. The Chart of conducting examination and declaring the result is shown at page no.24 which shows that any objection was to be raised before 16/3/2018. The final result was to be declared on 23/4/2018. Therefore, it is clear that the applicant when came to know that he is unsuccessful for the post of Police Patil, he made grievances and filed the present O.A.

6. The applicant raised objection on 25/4/2018 i.e. after the publication of the result. The applicant has taken part in the examination and when he found that he is unsuccessful in the said examination, thereafter he filed the present O.A.

7. The learned counsel for the applicant pointed out the Judgment of Hon'ble Supreme Court in case of **Rakesh Kumar Sharma Vs. State (NCT of Delhi) & Ors. (2013) 11 SCC,58** and submitted that the appointment order of respondent no.5 is liable to be quashed and set aside. In the said Judgment, many mistakes were committed and those mistakes were rectified and therefore the Hon'ble Supreme Court come to the conclusion that process of selection was not proper, but in the recent Judgment dated 20/8/2015 cited by the P.O., the Hon'ble Supreme Court in the case of **Madras Institute of Development Studies & Ano. Vs. K. Sivasubramaniyan & Ors.,(2016) 1 SCC 454**. held that "the candidate who had taken part in the selection process and raising objection when he found himself unsuccessful in the selection process, the Court / Tribunal shall not interfere in the selection process". The Judgment cited by the side of applicant is not applicable to the case in hand.

8. In view of the Judgment of Hon'ble Supreme Court in the case **Madras Institute of Development Studies & Ano. Vs. K. Sivasubramaniyan & Ors.,(2016) 1 SCC 454**, the O.A. is liable to be dismissed. Hence, the following order –

ORDER

The O.A. is dismissed with no order as to costs.

Member (J).

O.A.No.954/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

C.A.No.121/2019:-

Heard ShriS.U.Nemade, the ld. Counsel for the applicant and ShriS.A.Deo, the ld. C.P.O. for the respondents.

2. At the request of ld. C.P.O., **S.O. two weeks to file reply on amendment application.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.260/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

None for the applicant. Shri A.M. Khadatkar,
the Id. P.O. for the Respondents.

2. **S.O. six weeks.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.401/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

None for the applicant. Shri H.K.Pande, the ld.
P.O. for the respondents.

2. The matter was heard on 03.08.2020 and in
para no. 2 impugned order was stayed till filing of
the reply. ld. P.O. desires two weeks time to file
reply.

3. **S.O. two weeks.**

4. It is made clear that after filing reply stay
will be vacated.

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.208/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

C.A.No.222/2021:-

None for the applicant. Shri A.M. Khadatkar,
the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. six weeks to
file reply on C.A..**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.468/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. Ld. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, matter is **admitted** and kept for final hearing.

4. Ld. P.O. waives notices for the respondents.

5. **S.O. in due course.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.1146/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of R-2 to 4.

2. The Id. P.O. submits that he has received instructions from the respondents. He desires time to file reply. **S.O. 27.06.2022.**

3. **Put up this matter along with O.A. No. 1147/2021.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No. 1147/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the State. Await service of R-2 to 4.

2. Ld. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, matter is **admitted** and kept for final hearing.

4. Ld. P.O. waives notices for the respondents.

5. **S.O. 27.06.2022.**

6. **Put up this matter along with O.A. No. 1146/2021.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.19/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

C.A.Nos.128&231/2022:-

Heard Shri R.V.Shiralkar, the ld. Counsel for the applicant, Shri A.M.Khadatkar, the ld. P.O. for the respondents and Shri P.V.Thakre, the ld. Counsel for the Intervenor.

2. **C.A. No. 231/2022 for amendment is allowed and disposed of.** The ld. counsel for the applicant is directed to carry out the amendment within one week. He is further directed to supply the same to the other side.

3. However, ld. counsel for the Intervenor submits that he has taken instructions for withdrawing his power as Intervention. Hence, **application is disposed of as withdrawn.**

4. At the request of ld. counsel for the applicant, **S.O. 28.06.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.418/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri G.G.Bade, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the State. Await service of R-2.

2. Ld. counsel for the applicant submits that he has served R-2. Ld. P.O. desires time to file reply. Respondent no. 1 is directed to decide the representation dated 21.02.2022 (A-8, Pg. Nos. 74 to 85) by applicant as per Law while filing reply.

3. **S.O. six weeks to file reply.**

4. **Steno copy is granted.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.574/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

None for the applicant. Shri S.A. Deo, the Id.
C.P.O. for the State. Await service of R-2 & 3.

2. **S.O. six weeks.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.596/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri P.S.Patil, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the State. Await service of R-2 to 5.

2. Ld. counsel for the applicant has filed certain Judgment of other states:-

“A. Judgment of Hon’ble Karnataka High Court in the case of Dr.G.R.BharathSaiKukmar Vs. State of Karnataka in W.P. No. 15421/2020.

B. Judgment of Hon’ble Madras High Court in the case of Dr. S.Kothandaraman Vs. Pro Chancellor and 4 Ors. in W.P. Nos. 17918 & 17929/2021.”

3. Ld. counsel for the applicant has relied on direction of AICTE and Judgment of other two states. However, notices have been served till now. That is why ld. C.P.O. submits that it is difficult for him to take instructions. Ld. C.P.O. pointed out that Maharashtra Government has not adopted the policy decided by AICTE. At his request, **S.O. 27.06.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.132/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri R.V.Shiralkar, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. four weeks to file reply.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.514/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri R.V.Shiralkar, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notices for the respondents.

5. **S.O. 2nd Week of July, 2022.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.990/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri A.D.Girdekar, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the State. Await service of R-2 to 4.

2. At the request of ld. counsel for the applicant, **S.O. two weeks to file service affidavit.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.279/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

C.A.No.140/2022:-

Heard Shri N.A.Waghmare holding for Shri P.B.Patil, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the respondents.

2. The ld. counsel for the applicant has filed C.A. No. 140/2022 for disposal of the O.A.. He is mainly relied on Judgment in O.A. No. 22/2022 of M.A.T., Nagpur Bench. Ld. C.P.O. desires time, **S.O. 04.07.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

C.P.No.30/2022inO.A.No.421/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri P.S.Sahare holding for Shri A.Mahajan, the ld. Counsel for the applicant and Shri, the ld. P.O. for the State. C.F. applicant has not collected hamdast for R-3.

2. The ld. P.O. has filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

3. Hence, C.P. is **admitted** and kept for final hearing.

4. The ld. P.O. waives notices for the respondents.

5. **S.O. after four weeks.**

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.94/2020 (D.B.)

**Coram :Shri Shree Bhagwan, Vice Chairman&
Shri M.A.Lovekar, Member (J)
Dated : 20/06/2022.**

Heard Shri N.B.Rathod, the ld. Counsel for the applicant and ShriA.M.Khadatkar, the ld. P.O. for the respondents.

2. Ld. P.O. has placed correspondence dated 17.05.2022 by Collector, Ratnagiri.According to this chart there are vacancies in O.B.C. Category in horizontal Category. The chart is reproduced below:-

उपविभागीय अधिकारीकार्या लय	प्रव र्ग	सर्वसाधा रण	महि ला (३० %)	खेळा डू (५ %)	माजीसैि नक (१५ %)	प्रकल्पग्र स्त (५ %)	भूकंपग्र स्त (२ %)	अपंग (३ %)	पदवीधरअंगका लीन (१० %)	अना थ (१ %)
१	२	३	४	५	६	७	८	९	१०	११
दापोली	इ. मा.	०	२	१	१	१	०	०	१	०
खेड	व	०	१	०	१	०	०	०	१	०
चिपळूण		०	०	०	०	०	०	०	०	०
रत्नागिरी		०	१	०	१	०	०	०	०	०
राजापूर		०	०	०	१	०	०	०	०	०
एकूण		०	४	१	४	१	०	०	२	०

3. The ld. Counsel for the applicant is also placed Judgment of Hon'ble Allahabad High Court in Connected W.P. No. 3417/2016 decided on 04.05.2018. The ld. Counsel for the applicant has relies on para no. 33 of the said Judgment.Ld. P.O. is directed to take instructions on horizontal category reservation is whether carry forward or not? Since this Judgment is relied by ld. Counsel for the applicant, ld. P.O. is directed to take instructions from

Maharashtra Government that what is the policy regarding Maharashtra Government.

4. Ld. Counsel for the applicant is directed that if assuming that applicant succeed by getting 174 marks then what will be revised merit list of O.B.C. candidate (Page Nos. 73 & 74).

5. Ld. Counsel for the applicant submits that Judgment of Hon'ble High Court in W.P. No. 3417/2016 has been upheld by Hon'ble Apex Court also and he is directed to place that Judgment on record and supply it to the other side. Ld. Counsel for the applicant further submits that all the reservations in horizontal category in case of Maharashtra State has been given by way of Government Resolution, he is ready to produce all those G.Rs. on record. It is pertinent to note that he will place all the G.R. and supply it to the other side till the next date.

6. **S.O. 11.07.2022.**

7. **Steno copy is granted.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

C.P.No.36/22inRev.18/21inO.A.No.94/21(D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri S.V.Deshmukh, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. Ld. Counsel for the applicant has taken information under right to information and vide letter dated 11.03.2022 (A-8, Pg. No. 37) he has annexed chart on page no. 38 which shows that there are vacancies in the post of Civil Engineering Assistant when the matter was heard on 02.02.2022 in last para no. 5 which is below:-

“As submitted by Id. C.P.O., respondents are ready to comply with the order of this Tribunal dated 28.06.2021. The only hurdle they pointed out that as on today they have filled up all the posts of Civil Engineering Assistant on compassionate ground. But no hurdle in complying with the order of appointing the applicant to that post. They are directed to appoint the applicant as and when post of Civil Engineering Assistant becomes vacant at first instance and if it is vacant today itself, they should appoint the applicant today itself and communicate the same to the applicant as well as his counsel and the Id. C.P.O.”

3. It is not understand that if the ld. C.P.O. had committed on behalf of the respondents then why they are not filing the vacancies.

4. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

5. Shri V.A.Kulkarni, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

6. **S.O.04.07.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

C.P.No.35/22inO.A.No.95/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri Kaslikar holding for Shri D.P.Dapurkar, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. one week.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.204/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the R-1 & 2. None for the R-2. Shri R.S.Parsodkar, the Id. Counsel for the R-1 to 127.

2. The matter has been heard today on maintainability of original application. Hence, all the preliminary hearing is completed.

3. During hearing, it has been observed by the Bench that paging of office and all the Id. counsels are not matching. Hence, it is directed that it should be done by office as well as clerk of the concerning counsels within two days.

4. Now arguments will restrict only upto merit of the matter, **S.O. 27.06.2022.**

5. If necessary argument will continue to 28.06.2022.

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.113/2015 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri P.S.Sahare, the ld. Counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondents, Shri S.N.Gaikwad, the ld. Counsel for the R-5 to 7 and Shri A.R.Bhole, the ld. Counsel for the R-4.

2. At the request of ld. counsel for the R-4, **S.O. 27.06.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.60/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri P.A.Kadu, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Shri S.N.Gaikwad, the Id. Counsel for the R-4.

2. With the consent of all the counsels, **S.O. 01.07.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.885/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Shri G.K.Bhusari, ld. counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the respondents and Shri A.D.Giradkar, the ld. Counsel for the R-3 to 10.

2. **S.O. three weeks.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.239/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

There is a leave note of Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.745/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri N.R.Saboo, the ld. Counsel for the applicant and Shri M.I.khan, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 28.06.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.No.915/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Smt. S.Tripathi, the ld. Counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O. 22.06.2022.**

Member(J)

Date:-20/06/2022.

aps.

Vice Chairman

O.A.No.720/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri P.S.Verma, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 27.06.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman

O.A.Nos.273,457&458/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 20/06/2022.

Heard Shri V.R.Borkar, the ld. Counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 30.06.2022.**

Member(J)
Date:-20/06/2022.
aps.

Vice Chairman