O.A. No.676/2017 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri N.L. Jaiswal, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2 to 5.

2. At the request of learned counsel for the applicant, **S.O. 18/10/2023**.

Vice Chairman

O.A. No.248/2022 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

- 2. The learned P.O. submits that he has received parawise reply and he will file reply on the next date.
- At the request of Id. P.O., S.O.
 18/10/2023 for filing reply.

Vice Chairman

O.A. No.252/2022 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

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

- 2. Await service of R-2,3 and 5.
- 3. The ld. P.O. files reply of R-1&2. It is taken on record and copy is served to the applicant.
- 4. As per submission of learned counsel for applicant, other respondents are served and service affidavit is filed in the office.

S.O. after three weeks.

Vice Chairman

O.A. No.916/2022 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri Bharat Kulkarni, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of ld. P.O., **S.O. after four** weeks for filing reply as a last chance.

Vice Chairman

O.A. No.1230/2022 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri R.M. Fating, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. None for R-2&3.

S.O. after three weeks.

Vice Chairman

O.A. No.03/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Smt. K.N. Saboo, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for respondents.

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

Vice Chairman

O.A. No.140/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Heard Shri P.S. Kshirsagar, Id. counsel for applicants and Shri M.I. Khan, Id. P.O. for respondents.

- 2. The Id. P.O. files reply of R-3&4. It is taken on record. The Id. P.O. submits that said reply is sufficient to decide the matter.
- 3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. two weeks.

Vice Chairman

O.A. No.153/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri A. Motlag, ld. counsel for applicants and Shri M.I. Khan, ld. P.O. for respondents.

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

Vice Chairman

O.A. No.239/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

P.R. Hukare, Id. counsel holding for Shri D.B. Walthare, Id. counsel for applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri A. Kapgate, Id. counsel for R-3&4.

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

Vice Chairman

O.A. No.348/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

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

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

Vice Chairman

O.A. No.530/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Heard Shri M.R. Patil, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

- 2. The ld. P.O. files reply of R-2. It is taken on record. Reply of R-3 is already filed on record.
- 3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents.

S.O. two weeks.

Stay granted on 7/6/2023 is continued, till then.

Vice Chairman

O.A. No.541/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Heard Shri A.M. Tirukh, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri G. Gadge, Id. counsel for R-5. None for other respondents.

2. The ld. P.O. files reply of respondents. It is taken on record.

S.O. after three weeks.

Interim relief to continue, till then.

Vice Chairman

O.A. No.673/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Heard S.V. Sirpurkar, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for Respts.

- 2. The ld. P.O. files reply of R-1,2&3. It is taken on record and copy is served to the applicant.
- 3. The matter is admitted and kept for final hearing. The ld. P.O. waives notice for respondents.

S.O. two weeks.

Vice Chairman

O.A. No.749/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Jayanti Deshpande, ld. counsel holding for Shri Kale, ld. counsel for applicant and Shri M.I. Khan, ld. P.O. for respondents.

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

Vice Chairman

O.A. No.777/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Smita Dashputre, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3&4. Await service of R-2&5.

2. As per the submission of ld. counsel for applicant, the respondents are served and she will file service affidavit within one week.

S.O. after two weeks.

Vice Chairman

O.A. No.815/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

None for applicant. Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

O.As. 864 & 865 of 2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri A. Motlag, Id. counsel for applicants and Shri M.I. Khan, Id. P.O. for respondents. None for R-2 in O.A. 865/2023.

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

Vice Chairman

O.A. No.947/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri C.S. Dhore, ld. counsel for applicant and Shri M.I. Khan, ld. P.O. for R-1. None for R-4. Await service of R-2&3.

At the request of Id. counsel for applicant, **S.O. two weeks** for filing service affidavit.

Vice Chairman

O.A. No.1018/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Smt. Saboo, ld. counsel for applicant and Shri M.I. Khan, ld. P.O. for R-1. Await service of R-2&3.

At the request of Id. counsel for applicant, **S.O. two weeks** for filing service affidavit.

Vice Chairman

O.A. No.1049/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

None for applicant. Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

O.A. No.815/2023 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

None for applicant. Shri M.I. Khan, Id. P.O. for respondents.

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

Vice Chairman

O.As. 818/2019 & 1026/2019 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Bhaya Dhruv, Id. counsel holding for Shri H. Dangre, Id. counsel for applicants in O.A.818/2019.

Aditya Joshi, Id. counsel holding for Shri S.S. Ghate, Id. counsel for applicants in O.A.1026/2019.

Shri M.I. Khan, Id. P.O. for respondents in both the O.As.

At the request of Id. counsel for applicants, **S.O. two weeks.**

Vice Chairman

O.A. No.530/2021 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Heard Shri S.N. Gaikwad, ld. counsel for applicants and Shri M.I. Khan, ld. P.O. for respondents.

- 2. The ld. counsel for applicants has filed copy of order of Assistant Director of Health Services, Nagpur dated 7/9/2023. It is taken on record and marked Exh-X for identification.
- 3. The learned P.O. seeks time.

S.O. 6/10/2023.

Vice Chairman

O.As. 74,75 & 76 of 2022 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri S.N. Gaikwad, Id. counsel for applicants and Shri M.I. Khan, Id. P.O. for respondents.

With the consent of learned counsel for both the parties, **S.O. 6/11/2023**.

Put up along with connected D.B. matters.

Vice Chairman

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

O.A. 718/15 with C.As. 88 & 89 of 2021, O.A.141/2015 with C.As.86,87 & 90 of 2021 and O.A.377/2016 -

Shri S.K. Tambde, Id. counsel for applicants, Shri Agrawal, Id. counsel for R-5 to 7, shri Sadavarte, Id. counsel for R-8 to 11 and Shri Fating, Id. counsel for R-5 to 11 (Intervener) in O.A. 718/2015.

- ii) Shri P.B. Patil, Id. counsel for applicants, Shri Agrawal, Id. counsel for R-4 to 6, shri Sadavarte, Id. counsel for R-7 to 10 and Shri Fating, Id. counsel for R-7 to 16 (Intervener) in O.A. 141/2015.
- iii) Shri Agrawal, Id. counsel for applicant in O.A.377/2016.
- iv) Shri M.I. Khan, Id. P.O. for R-1 to 4 in O.A.718/2015, for R-1 to 3 in O.A.141/2015 and for respondents in O.A.377/2016.
- v) Shri P.B. Patil, learned counsel for applicants in O.A. 141/2015 wants to correct some mistakes in the written notes of argument. He is at liberty to correct the same.
- vi) With the consent of learned counsel for both the parties, **S.O. 6/11/2023**.

Put up along with connected S.B. matters.

Vice Chairman

O.As. 1238 & 1246 of 2022 (S.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri S.Y. Deopujari, ld. counsel for applicant in O.A. 1238/2022

Shri P.S. Patil, ld. counsel for applicant in O.A.1246/2022.

Shri A.P. Potni, Id. P.O. for respondents in both the O.As.

At the request of Id. P.O., **S.O. 13/10/2023**. Till then, interim relief to continue.

Vice Chairman

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Shri P.S. Patil, Id. counsel for applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri Bade/ Khaparde, Id. counsel for R-4.

At the request of Id. counsel for applicant, **S.O. 13/10/2023** along with connected D.B. matter.

Vice Chairman

O.A. No.708/2021 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

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

S.O. 13/10/2023 along with connected S.B. matter.

Vice Chairman

O.A. No.1081/2023 (D.B.)

(Akshay G. Pathrikar Vs. State of Mah.)

Coram: Hon'ble Shri Justice M.G. Giratkar,

Vice Chairman.

Dated: 03/10/2023.

Heard Shri P.A. Kadu, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

- 2. The learned counsel for applicant has pointed out the advertisement and submitted that the applicant is qualified for the examination. He is having requisite experience as per the conditions mentioned in the advertisement.
- 3. The learned counsel for the applicant has submitted that as per the online examination, the applicant has given correct answers and he had secured 118 marks, but wrongly he is shown as secured only 116 marks. Moreover, the learned counsel for applicant has submitted that the candidates at Sr.Nos.8,9 and 10 in the select list are not having requisite experience Certificates.
- 4. At this stage nothing is on record to show that candidates at sr.nos.8,9 & 10 in the select list are not having any experience certificate. Moreover, they are not made necessary party as respondent. They will be affected by the decision of this Tribunal. Hence, the applicant is directed to make them party / respondent in this O.A.
- 5. The learned CPO is requested to get instructions as to whether the applicant has secured more marks than 116.
- 6. The applicant is permitted to serve the affected persons / respondents on their e-mail/addresses.
- 7. Issue notice to the respondents returnable <u>13/10/2023</u>. Learned C.P.O. waives notice for State. Hamdast allowed.
- 8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. In case notice is not collected within <u>three days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. 13/10/2023.

Steno copy is granted.

Vice Chairman

O.A. No.830/2011 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

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

- 2. The applicant has filed pursis dated 27/9/2023 and stating that during the pendency of the present O.A. the applicant has completed his age of superannuation and retired on 31/07/2023. In view of this fact, the prayer of applicant now become instructuous and therefore the applicant wants to withdraw the O.A.
- 3. Looking to the submission of applicant, the O.A. is disposed of as withdrawn. No order as to costs.

Vice Chairman

O.A. No.927/2019 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

C.A. 487/2023 -

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

- 2. The applicant wants to bring on record some development after filing of this O.A.
- 3. In view of above, the C.A. for amendment is allowed and disposed of. Necessary amendment be carried out within two weeks and amended copy be supplied to the other side.

O.A. No.927/2019 -

S.O. after two weeks.

Vice Chairman

O.A. No.927/2019 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

C.A. 487/2023 -

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

- 2. The applicant wants to bring on record some development after filing of this O.A.
- 3. In view of above, the C.A. for amendment is allowed and disposed of. Necessary amendment be carried out within two weeks and amended copy be supplied to the other side.

O.A. No.927/2019 -

S.O. after two weeks.

Vice Chairman

Coram: Hon'ble Shri Justice M.G. Giratkar,

Vice Chairman.

Dated: 03/10/2023.

C.A. 441/2023 -

Heard Yogita Gedam, Id. counsel holding for A.B. Moon, Id. counsel for applicant, S.A. Deo, Id. CPO for R-1 to 3, Shri Makkad, Id. counsel holding for Shri S.M. Bhangde, Id. counsel for R-4 and Shri S.N. Gaikwad, Id. counsel for Intervener.

- 2. As per the submission of learned counsel for intervener Shri S.N. Gaikwad, the applicants are selected candidates, but they are not appointed because of the order passed by this Tribunal.
- 3. The learned counsel for applicants has submitted that they are necessary parties in this O.A.
- 4. Looking to the submission, the C.A. is allowed and disposed of.
- 5. The applicants are directed to make the intervener as respondents in this O.A.

O.A. No.545/2022 with C.As.442/23 & 216/22 -

S.O. one week along with connected matters.

Vice Chairman

O.A. No.963/2022 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

C.A. 460/2023 -

Heard S.P. Agrawal, Id. counsel holding for S.V. Bhutada, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

- 2. Amendment is sought in respect of further development after filing of O.A.
- 3. Looking to the submission, the C.A. is allowed and disposed of. Necessary amendment be carried out within two weeks and amended copy be supplied to the other side.

O.A. No.963/2022 -

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

S.O. after two weeks.

Vice Chairman

O.As. 554/22 with C.A.215/22, O.As.568/22 and 670/22 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Heard Yogita Gedam, Id. counsel holding for A.B. Moon, Id. counsel for applicants, S.A. Deo, Id. CPO for R-1 to 3, Shri Makkad, Id. counsel holding for Shri S.M. Bhangde, Id. counsel for R-4.

S.O. one week along with connected matters.

Vice Chairman

O.A. No.883/2023 (D.B.)

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

Dated: 03/10/2023.

Shri S.S. Patil, Id. counsel for applicants, Shri S.A. Deo, Id. CPO for R-1 to 4 and none for R-5.

- 2. The learned counsel for applicants has filed C.A. It is not numbered.
- 3. The office is directed to number the C.A.
- 4. The learned counsel for applicants submitted that there is a urgency and statusquo/ stay be granted for the recruitment in view of the Govt. Circular dated 11/7/2023.

S.O. 9/10/2023.

Vice Chairman

O.A. No.991/2023 (D.B.)

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

Dated: 03/10/2023.

Shri S.N. Gaikwad, Id. counsel for applicant and Shri S.A. Deo, Id. CPO for respondents.

At the request of Id. CPO, **S.O. 17/10/2023** for filing reply.

Vice Chairman

O.A. No.113/2023 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

A.S. Deshpande, Id. counsel for applicants and Shri V.A. Kulkarni, ld. PO for respondents.

At the request of Id. PO, **S.O. 20/10/2023** for filing reply.

Vice Chairman

O.A. No.1033/2023 (D.B.)

Coram: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman. Dated: 03/10/2023.

Shri S.M. Vaishnav, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. The applicant is directed to serve the respondents positively before the next date.

S.O. after two weeks.

Vice Chairman

C.P.53/23 in O.A. No.336/2022 (D.B.)

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

Dated: 03/10/2023.

Heard S.P. Agrawal, Id. counsel holding for Shri Y.J. Maheshwari, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for respondents.

- 2. The learned counsel for applicant has filed pursis. It is taken on record and marked Exh-X for identification.
- 3. As per this pursis, the respondents have complied the order of this Tribunal. The respondents have paid amount of Rs.6,57,135/-to the applicant on 31/8/2023. Hence, the applicant does not want to press the contempt petition as the order of this Tribunal is complied by the respondents.
- 4. In view of above, the contempt petition is disposed of. No order as to costs.

Vice Chairman

C.P.62/23 in O.A. No.385/2022 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

None for applicant. Shri A.M. Khadatkar, ld. P.O. for State. Await service of R-1&2.

S.O. four weeks for filing service affidavit.

Vice Chairman

Coram: Hon'ble Shri Justice M.G. Giratkar,

Vice Chairman.

Dated: 03/10/2023.

C.P. 77/23 in O.A.666/22, C.P. 78/23 in O.A.150/21, C.P. 79/23 in O.A.56/19 and C.P. 80/23 in O.A.1006/19

Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for applicants and Shri A.M. Khadatkar, Id. P.O. for respondents.

The applicant to remove office objection in C.P. 79/23 in O.A. 56/19.

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

Vice Chairman

O.A. No.308/2008 (D.B.)

<u>Coram</u>: Hon'ble Shri Justice M.G. Giratkar, Vice Chairman.

Dated: 03/10/2023.

Meenaxi Iyer, Id. counsel for applicant and shri H.K. Pande, Id. P.O. for respondents.

S.O. 2/11/2023.

Vice Chairman

C.P. 76/23 in O.A. No.284/18 (D.B.)

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

Dated: 03/10/2023.

Heard A.M. Telange, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for State.

- 2. Issue Notice to the respondents returnable in <u>four weeks</u> 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.
- 3. The learned P.O. waives notice for State. Hamdast granted.
- 4. S.O. four weeks.

Vice Chairman

O.A. No.763/2020 (D.B.)

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

Dated: 03/10/2023.

Heard Shri S.P. Palshikar, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

2. The Id. P.O. has filed copy of order granting deemed date of promotion dated 21/3/2023. It is taken on record and marked Exh-X for identification. Copy is supplied to the applicant.

S.O. 18/10/2023.

Vice Chairman

O.A.640/2022 with C.A.14/2023 (D.B.)

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

Dated: 03/10/2023.

Heard Shri A.Y. Kapgate, Id. counsel for applicants, Shri S.A. Deo, Id. C.P.O. for R-1 to 8 and L.S. Burde, ld. counsel for R-9.

The Id. CPO has filed letter dated 27/9/2023. It is taken on record and marked Exh-X for identification.

S.O. 19/10/2023.

Vice Chairman

C.A. 452/2023 in O.A.863/2019 (D.B.)

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

Dated: 03/10/2023.

Heard Shri P.D. Meghe, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

- 2. The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023,dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally.
- 3. The learned P.O. has pointed out order of this Tribunal in O.A.759/2023, dated 5/9/2023.
- 4. The learned counsel for applicant has filed list of citations. Those are taken on record.
- 5. With the consent of learned counsel for both the parties, the matter is closed for orders. Interim relief to continue until further orders.

Vice Chairman

O.A. No.1082/2023 (D.B.)

(Shri Bhupendra M. Kawadate & ors. Vs. State of Maharashtra & Ors.)

Coram: Hon'ble Shri Justice M.G. Giratkar,

Vice Chairman.

Dated: 03/10/2023.

C.A. 502/2023 -

Heard Shri M.R. Joharapurkar, Id. counsel for applicants and Shri M.I. Khan, Id. P.O. for the State.

2. All the applicants are praying common relief. Looking to the ground, the C.A. for filing Jt. O.A. is allowed and disposed of.

O.A. No.1082/2023 -

Heard Shri M.R. Joharapurkar, Id. counsel for applicants and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel for applicants has pointed out the copies of Master degrees of the applicants. He has also pointed out that all the applicants are possessing required qualification for the post of Lecturer / Assistant Professor as per the advertisement dated 13/09/2023. He has pointed out the following Chart (P-39) –

QUALIFICATION AND EXPERIENCE DETAILS OF APPLICANTS

Sr.	Name	Date of birth	Post held	Educational	Date of	Date of	Date of	Experience
No.				qualification	obtaining	issuance of	obtaining	
					Diploma	equivalency	Master's	
					qualification	Certificate	Degree	
1	2	3	4	5	6	7	8	9
1	Bhupendra S/o Manohar Kawadate	09/08/1984	Lecturer	G.D. Art (Diploma), M.F.A., P.E.T., Diploma in A.Ed.	23/06/2011	06/07/2012	29/08/2015	9 years
2	Chandrashe khar S/o Maroti Tandeka	22/08/1983	Lecturer	G.D. Art (Diploma), M.F.A.,	30/06/2009	11/05/2010	29/08/2015	9 years
3	Mauktik S/o Sudhir Kate	06/07/1981	Lecturer	G.D. Art (Diploma), M.F.A.,	30/06/2009	20/12/2010	19/11/2016	5 years
4	Surendra S/o Suryabhan Tale	18/05/1981	Professional Assistant	G.D. Art (Diploma), M.F.A.,	23/06/2011	06/07/2012	19/11/2016	9 years
5	Sumed S/o Nagorao Sonone	26/08/1981	Lecturer	G.D. Art (Diploma), M.F.A.,	04/08/2006	28/09/2006	02/06/2014	11 years

- 3. Heard Shri S.A. Deo, learned CPO. He submitted that as per the condition in the advertisement in Clause no.10.1 (i) that the applicants should have possesses Bachelor's and Master's Degree in the relevant branch with first class or equivalent in any one of the two degrees. The applicants have not possessed Bachelor's and Master's Degree in the relevant branch with first class and therefore they are not eligible to apply for the post of Lecturer / Assistant Professor.
- 4. The applications of the applicants are not accepted by the respondents on the ground that they are not eligible to apply for the said posts as per the Clause no.10.1 (i) of the advertisement. The qualification is mentioned in Clause no.10.1 (i) of the advertisement that "Bachelor's and Master's Degree in the relevant branch with first class or equivalent in any one of the two degrees."
- 5. The learned counsel for applicants has pointed out page no.136 in respect of Sudhir M. Kate (applicant no.3). He is having 1st class diploma in relevant branch. He has pointed out the letter issued by the Govt. of Maharashtra dated 06/07/2012 which shows that the diploma in the fine arts/ drawing and painting course passed in the final year of examination in the year 2011 is equivalent to degree for the purpose of recruitment to the superior posts and services, in appropriate fields, under the Government of India, vide Ministry of Education and Youth Services (Technical) Divisional, New Delhi.
- 6. The learned counsel for applicant submits that other applicants are also eligible for the posts advertised by the respondents.
- 7. The learned CPO has pointed out that the applicant nos.1,4 and 5 have possessed 2nd class in diploma as well as in master degree in relevant branch and therefore they are not eligible. The applicant nos. 2 and 3 are having 1st class in diploma and 2nd class in degree in the relevant branch and therefore the applicant nos.2 and 3 are eligible to apply for the said posts as per the advertisement in Clause no.10.1 (i).
- 8. The learned counsel for applicants has pointed out the recruitment rules as per clause (c) (iii) for the post of Professor in the department of arts and crafts, a degree or diploma of a certificate awarded by the Government in Arts and crafts. As per clause (c) (iv) for the post of the professor in the department of teachers training a degree in fine arts or applied art or applied art or a diploma in drawing and painting, sculpture and modeling, or applied art and art master certificate of diploma awarded by the Government.
- 9. As per the recruitment rules, the applicants are having diploma and master degree in the relevant branch, therefore, they are eligible for the post they applied. Hence, the following order—

ORDER

- (i) The respondents are directed to accept the applications of the applicants (physically) within three days from today for the posts they applied as per the advertisement dated 13/09/2023.
- (ii) The acceptance of the applications / result will be subject to the outcome of the O.A.
- 10. Issue notice to the respondents returnable <u>after four weeks</u>. Learned C.P.O. waives notice for State. Hamdast allowed.
- 11. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. In case notice is not collected within <u>three days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Steno copy is granted...

Vice Chairman

,368&427/2020 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri R.K.Borkar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

- 2. Ld. counsel for the applicant submits that the issue involved in this O.A. is pending before D.B. of this Tribunal at Aurangabad Bench.
- 3. The ld. P.O. has filed reply on behalf of the respondents 3 to 5. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.
- 4. Hence, O.A. is **admitted** and kept for final hearing.
- 5. The ld. P.O. waives notice for the respondents.
- 6. S.O. four weeks.
- 7. Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.
- 8. Interim relief to continue till further order.

Member (J)

Date:- 03/10/2023.

O.A.No.962/2020 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri K.V.Bhoskar, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents 1 & 2. None for the R-3 to 5. C.F. applicant has not carried out the amendment as per order dated 26.07.2023.

2. Ld. counsel for the applicant states that he will carry out the amendment within one week. He seeks time of one week, **S.O. one week**.

Member (J)

Date: 03/10/2023.

O.A.No.1044/2022 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Ms. Shreeya Katkar holding for Shri U.T.Deshpande, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents. Await service of R-2.

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

Member (J)

Date: 03/10/2023.

O.A.No.107/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

None for the applicant. Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks** to file reply.

Member (J)

Date:- 03/10/2023. aps.

O.A.No.342/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

None for the applicant. Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply.**

Member (J)

Date:- 03/10/2023. aps.

O.A.No.446/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri P.V.Thakre, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

- 2. The ld. P.O. has filed reply on behalf of the respondents 2, 3 & 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, O.A. is **admitted** and kept for final hearing.
- 4. The ld. P.O. waives notice for the respondents.
- 5. **S.O. 17.10.2023.**
- 6. Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.

Member (J)

Date:- 03/10/2023.

O.A.No.586/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri A.A.Choube, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

- 2. The ld. P.O. has filed reply on behalf of the respondents 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, O.A. is **admitted** and kept for final hearing.
- 4. The ld. P.O. waives notice for the respondents.
- 5. **S.O. 16.10.2023.**
- 6. Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.
- 7. Interim relief to continue till further orders.

Member (J)

Date:- 03/10/2023.

O.A.Nos.617,618&627/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri R.M.Wasnik, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

- 2. Ld. counsel for the applicant states that issue involved in this O.As. are already decided by the Tribunal.
- 3. **S.O. 13.10.2023.**

Member (J)

Date: 03/10/2023.

O.A.No.671/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri P.V.Thakre, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

- 2. The ld. C.P.O. has filed reply on behalf of the respondents 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, O.A. is **admitted** and kept for final hearing.
- 4. The ld. C.P.O. waives notice for the respondents.
- 5. **S.O. 11.10.2023.**
- 6. Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.

Member (J)

Date:- 03/10/2023. aps.

O.A.No.704/2023 (S.B.)

Coram:Shri M.A.Lovekar, Member (J) **Dated**: 03/10/2023.

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

- The ld. P.O. has filed reply on behalf of the respondents 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.
- Hence, O.A. is admitted and kept for final 3. hearing.
- 4. The ld. P.O. waives notice for the respondents.
- S.O. 12.10.2023.
- Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.

Member (J)

Date: 03/10/2023.

O.A.No.893/2023 (S.B.)

$\frac{Coram}{Coram}: Shri M.A. Lovekar, Member (J) \\ \underline{Dated}: 03/10/2023.$

Heard Shri A.Motlog, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks** to file reply.

Member (J)

Date:- 03/10/2023.

O.A.No.940/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Smt.Saboo, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the Respondents 1 to 3 and Shri N.D.Thombre, ld. counsel for the R-4.

- 2. Ld. P.O. states that he will take instructions as to whether, as per order dated 07.09.2023 representation of the applicant is decided.
- 3. S.O. three weeks

Member (J)

Date:- 03/10/2023. aps.

O.A.No.988/2023 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. four weeks** to file reply.

Member (J)

Date:- 03/10/2023.

C.A.Nos.341&342/23inO.A.St.No.1670/23(S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri S.Wadhawe, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. For the reasons stated in the application, C.A. No. 341/2023 for condonation of delay is allowed.

3. C.A.No.342/2023 for Jt. O.A. is allowed.

- 4. Issue notice to Respondents, returnable on <u>four weeks</u>. Learned C.P.O. waives notice for R-1. Hamdast allowed.
- 5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
- 6. 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.
- 7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
- 8. The service may be done by Hand delivery, speed post, courier and 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.

9. 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.

10. **S.O. four weeks**.

Member (J)

Date:- 03/10/2023.

O.A.No.393/2022 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Smt. Saboo, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

- 2. Pleadings are complete. Hence, O.A. is **admitted** and kept for final hearing.
- 3. Ld. P.O. waives notice for the respondents.
- 4. S.O. 01^{st} week of Nov., 2023 for final hearing.

Member (J)

Date:- 03/10/2023.

O.A.No.732/2016 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri N.B.Bargat, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks** for final hearing.

Member (J)

Date:- 03/10/2023.

O.A.No.742/2016 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri S.P.Kshirsagar, ld. counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the Respondents.

2. Closed for orders.

Member (J)

Date:- 03/10/2023. aps.

O.A.No.776/2016 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri M.R.Khan, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. On oral request of ld. counsel for the applicant, **S.O. two weeks for final hearing.**

Member (J)

Date:- 03/10/2023.

O.A.No.780/2016 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri A.P.Sadavarte, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. On oral request of ld. counsel for the applicant, **S.O. three weeks for final hearing.**

Member (J)

Date:- 03/10/2023.

O.A.No.812/2016 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks** for final hearing.

Member (J)

Date:- 03/10/2023.

O.A.No.925/2018 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

None for the applicant. Shri M.I.Khan, ld. P.O. for the Respondents 1 & 2 and Shri Makkad holding for Shri S.M.Bhangde, ld. counsel for the R-3.

2. On oral request of ld. P.O., **S.O. four weeks for final hearing.**

Member (J)

Date:- 03/10/2023.

O.A.Nos.567,568,626,627,677,678,679,680,681

,1028,1029,1030,1031,1032,1033,1034,1035& 1036/2019 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Smt. Saboo, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to** file reply to amended portion of the **O.A.**.

Member (J)

Date: 03/10/2023.

O.A.No.1016/2019 (S.B.)

$\frac{Coram}{Coram}: Shri M.A. Lovekar, Member (J) \\ \underline{Dated}: 03/10/2023.$

Heard Shri S.M.Khan, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks** for final hearing.

Member (J)

Date:- 03/10/2023.

O.A.No.20/2020 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri P.V.Thakre, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 20.10.2023 for final hearing.**

Member (J)

Date:- 03/10/2023.

O.A.No.205/2020 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

None for the applicant. Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 09.10.2023 for final hearing.**

Member (J)

Date:- 03/10/2023. aps.

O.A.No.787/2020 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri J.R.Kidilay, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 09.10.2023 for final hearing.**

Member (J)

Date:- 03/10/2023.

O.A.No.234/2022 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. Closed for orders.

Member (J)

Date:- 03/10/2023. aps.

O.A.No.826/2022 (S.B.)

$\frac{Coram}{Coram}: Shri M.A. Lovekar, Member (J) \\ \underline{Dated}: 03/10/2023.$

Heard Shri P.N.Warjukar, ld. counsel for the applicant and Shri H.K.Pande, ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. 11.10.2023 for final hearing.**

Member (J)

Date:- 03/10/2023.

O.A.No.858/2022 (S.B.)

<u>Coram</u>:Shri M.A.Lovekar, Member (J) <u>Dated</u>: 03/10/2023.

Heard Shri B.M.Lonare, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the Respondents.

2. Closed for orders.

Member (J)

Date:- 03/10/2023. aps.