

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 765/2013**

**(Smt. Mangal L. Thokal V/s. the State of Maharashtra & Ors.)**

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

**AND**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

Shri A.B. Dhongade, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for respondent nos. 1 to 4 and Shri Kakasaheb B. Jadhav, learned Advocate for respondent nos. 5 & 6, are present.

2. As none present for the applicant, S.O. to 4.8.2017.

**MEMBER (J)**  
KPB ORAL ORDER 01-08-2017

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 15/2014**

**(Shir Bipin Pradip Sonar V/s. the State of Maharashtra & Ors.)**

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

**AND**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

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

2. At the request of the learned Advocate for the Applicant, S.O. to 4.8.2017.

**MEMBER (J)**

**KPB ORAL ORDER 01-08-2017**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 38/2014**

**(Shri Suresh Dnyanoba Veer V/s. the State of Maharashtra & Ors.)**

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

**AND**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

Shri V.D. Gunale, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 4.8.2017.

**MEMBER (J)**

**KPB ORAL ORDER 01-08-2017**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 50/2014**

**(Shri Madhukar C. Sawant V/s. the State of Maharashtra & Ors.)**

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

**AND**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

Shri A.B. Katkar, learned Advocate for the applicant  
(**Absent**). Shri I.S. Thorat, learned Presenting Officer for  
respondents, present.

2. As none present for the applicant, S.O. to 4.8.2017.

**MEMBER (J)**

**KPB ORAL ORDER 01-08-2017**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 98/2014**

**(Shri Saddik Rafik Shaikh V/s. the State of Maharashtra & Ors.)**

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

**AND**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

Shri S.B. Bhapkar, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for respondents, present.

2. As none present for the applicant, S.O. to 4.8.2017.

**MEMBER (J)**  
KPB ORAL ORDER 01-08-2017

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 41/2014**

**(Shri Sunil N. Bargaje V/s. the State of Maharashtra & Ors.)**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

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

2. This Original Application has been filed by the applicant challenging the State level seniority list of Co-Operative Officer Grade-I. The same seniority list is prepared by the respondent No. 2, after merging seniority lists received from the Joint Directors of various divisions. It appears that the respondent no. 3 has recommended the case of the applicant to the respondent no. 2. However, in the affidavit in reply filed on behalf of respondent nos. 2 and 3 on 12.08.2014, this issue has not been specifically replied to. In fact, we find that the affidavit in reply of respondent nos. 2 & 3 has been filed by some Deputy Registrar of Co-Operative Societies in Aurangabad District, who prima-facie does not appear to be involved with the

work of preparation of State Level Seniority List of Co-Operative Officer, Grade-I. This affidavit in reply is practically of no value.

3. The respondent No. 2 is directed to file a detailed affidavit in reply answering each and every issue raised by the applicant in his Original Application. Needless to say that some responsible officer in the office of respondent No. 2, who is conversant with the work of preparation of State Level seniority list of Co-Operative Officer, Grade-I, should file affidavit in reply.

4. Learned P.O. states that the affidavit in reply will be filed within a period of four weeks.

5. S.O. to 12.09.2017.

**MEMBER (J)**  
KPB ORAL ORDER 01-08-2017

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 42/2014**

**(Smt. Surekha B. Andhale & Ors. V/s. the State of Maharashtra & Ors.)**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

Heard Shri S.R. Shirsath, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the Applicants and Shri I.S. Thorat, learned Presenting Officer for respondents.

2. This Tribunal on 28.07.2016 has given certain directions to the Respondents. The learned P.O. has sought time to take instruction as to whether the State Government was considering amendment of Rules for creating a quota for promotion for appointment to the post of Tutors. The matter was adjourned to 10.08.2016. Though a period of almost one year has been elapsed, no instruction has been received from the respondent no. 1. Cost of Rs. 25000/- (Twenty Five Thousand only) is therefore, imposed on the respondent no. 1.

3. It is understood that the Contempt Petitions of department of Public Health Department are kept before



the Hon'ble Chairman on 16.9.2017 and some senior representative of the respondent no. 1 is likely to remain present on that date in this Tribunal.

4. Learned P.O. should inform the respondent no. 1 that the same representative should come along with information in this matter as directed by this Tribunal by order dated 28.07.2016. Learned P.O. undertakes to communicate this order to the respondent no. 1.

5. The matter may be placed before the Hon'ble Chairman on 16.09.2017.

6. Steno copy allowed to the learned P.O. at his request.

**MEMBER (J)**  
KPB ORAL ORDER 01-08-2017

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 120/2014**

**(Shri Sunil Devidas Chavan V/s. the State of Maharashtra & Ors.)**

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

**DATE : 01.08.2017.**

**ORAL ORDER:-**

Heard Shri Vijay Dehmukh, learned Advocate for the Applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents.

2. The Applicant's case is that he had applied for the post of Administrative Officer in Agriculture Department, which is Group-A post, from V.J.-A category in pursuance of the advertisement dated 6.8.2012 issued by the Maharashtra Public Service Commission. The experience required for the post is of 5 years in any post equivalent to Group-B gazetted post of Government of Maharashtra. The applicant is working as a Headmaster in Secondary and Higher Secondary Ashram School, which according to the applicant is equivalent to the Group-B gazetted post in Government of Maharashtra. The applicant was called for interview by the M.P.S.C. However, before the result would be declared, the Commission made a query to the State

Government, whether the post held by the applicant was Group-B gazetted post in Government of Maharashtra.

3. Learned Advocate Shri Vijay Deshmukh, for the applicant has stated that the Government replied to the M.P.S.C. on 1.2.2014. However, without waiting for Government's reply, the M.P.S.C. declared result on 28.01.2014 and no eligible candidate was found from V.J.-A category. Learned Advocate Shri Vijay Deshmukh, stated that the M.P.S.C. should have waited for the reply of the Government before declaring the result. It appears that the information was sought by M.P.S.C. from the Government after interview was of the Applicant held.

4. Learned Presenting Officer contended that the Applicant was interviewed by the M.P.S.C. and he scored 30 marks out of 100 in the interview for the said post. This is stated in the affidavit in reply filed on behalf of respondent no. 4 i.e. M.P.S.C. on 2.5.2014. As per Rules of Business of M.P.S.C., minimum requirement for a candidate to be eligible for appointment through M.P.S.C. is 40 marks in the interview. As the applicant scored 30

marks, whether he is eligible to be considered for appointment on the basis of his experience as Headmaster has lost relevance.

5. We are inclined to accept submissions made by the learned P.O. As the Applicant failed to meet the minimum requirement in the interview conducted by the M.P.S.C. for selection of Group-A post, there is no merit in this O.A. Whether experience acquired by the applicant is valid or not has lost relevance. The applicant was not found fit for appointment to the post of Group-A. There is no merit in this O.A., it is dismissed with no order as to costs.

**MEMBER (J)**  
KPB ORAL ORDER 01-08-2017

**VICE CHAIRMAN (A)**

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

**MA NO.282/2017 IN OA ST.NO.1008/2017.**  
**( Shri M. S. Jadhav & Ors.Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(Division Bench matter.)

**DATE** : 01-08-2017

**ORAL ORDER:-**

Heard Shri S. S. Deve learned Advocate for the applicants and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. It appears that, the matter is wrongly placed before the Single Bench though Division Bench is available. Hence remove from the Board and be placed before the Division Bench today itself.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA ST NO.114/15 WITH MA ST. NO.376/15 IN OA ST.377/15.**  
**( Shri Sheikh Jeelani Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant and Smt S. K. Ghate learned Presenting Officer for the respondents.

2. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant seeks time. At his request, S.O. to 23.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA ST NO.69/16 IN OA ST.132/15.**  
**( Shri Sheikh Jeelani Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant and Smt S. K. Ghate learned Presenting Officer for the respondents.

2. Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant seeks time. At his request, S.O. to 23.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION St. No.402/2017.**  
**( Shri G. B. Mahajan Vs. State of Mah. & Ors.)**

**CORAM:Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(Division Bench matter.)

**DATE : 01-08-2017**

**ORAL ORDER:-**

None present for the applicant. Heard Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. On the last date itself it was warned that, the necessary orders will be passed upon absence of the learned Advocate for the applicant. However, in the interest of justice, S.O. to 07.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**



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

**ORIGINAL APPLICATION NO. 254/2017.**  
**( Shri R. R. More Vs. State of Mah. & Ors.)**

**CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
(Division Bench matter.)

**DATE** : 01-08-2017

**ORAL ORDER:-**

None present for the applicant. Shri M. S. Mahajan learned Chief Presenting Officer for the respondents is present.

2. The learned C.P.O. seeks time for filing affidavit in reply. At his request, S.O. to 12.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA NO.168/2017 IN OA ST.NO.404/2017.**  
**( Shri Mariba Y. Kamble Vs. State of Mah. & Ors.)**

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

**DATE** : 01-08-2017

**ORAL ORDER:-**

Heard Shri S. G. Kulkarni learned Advocate holding for Shri S. D. Dhongde learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks permission to correct the address of Respondent no.2 in M.A. as well as in O.A. Upon carrying the correction notices be issued.

3. Issue notices to the respondents in M.A., returnable on 26<sup>th</sup> Sept. 2017.

4. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

5. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.
6. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.
7. Affidavit of service be filed one week before due date.
8. Learned P.O. is directed to communicate this order.
9. Affidavit in reply be filed before due date.
10. Steno copy and Hamdast is allowed to both parties.
11. S.O. to 26.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION St.No.534/2017.**  
**( Shri Babasaheb R. Pagare Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri N. B. Narwade learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Without going into maintainability of the present application in view of the appeal preferred, since the present applicant is suspended the present application is disposed of with a direction to the concerned Respondent to decide the appeal (Annexure A-7, page 25) at the earliest and in any case within a period of four months, since the order of suspension is dated 17.02.2017. Accordingly, the O.A. stands disposed of without any order as to costs.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA ST. NO.412/2017 IN OA ST.NO.413/2017**  
**with MA NO.300/2017.**

(Shri U. K. Mane & Ors. Vs. State of Mah. & Ors.)

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

**DATE** : 01-08-2017

**ORAL ORDER IN MA ST. NO.412/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

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

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

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA ST.NO.413/2017**

**(Shri U. K. Mane & Ors. Vs. State of Mah. & Ors.)**

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

**DATE** : 01-08-2017

**ORAL ORDER:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 12<sup>th</sup> Sept. 2017.
3. Applicant is authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.
4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.

8. Affidavit in reply be filed before due date.

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

10. S.O. to 12.09.2017.

**VICE CHAIRMAN.**

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

**MA ST. NO.412/2017 IN OA ST.NO.413/2017**  
**with MA NO.300/2017.**

(Shri U. K. Mane & Ors. Vs. State of Mah. & Ors.)

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

**DATE** : 01-08-2017

**ORAL ORDER IN MA ST. NO.412/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

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

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

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**



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

**MA NO.300/2017 IN OA ST. 413/2017.**  
**(Shri U. K. Mane & Ors. Vs. State of Mah. & Ors.)**

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

**DATE** : 01-08-2017

**ORAL ORDER IN MA 300/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents in MA 300/2017, returnable on 12th Sept. 2017.
3. Applicants are authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.
4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.

8. Affidavit in reply be filed before due date.

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

10. S.O. to 12.09.2017.

**VICE CHAIRMAN.**

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

**MA ST. NO.497/2017 IN OA ST.NO.498/2017**  
**with MA NO.301/2017.**

(Shri C. N. Yadav & Ors. Vs. State of Mah. & Ors.)

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

**DATE** : 01-08-2017

**ORAL ORDER IN MA ST. NO.497/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

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

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

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA NO.301/2017 IN OA ST. 498/2017.**  
**(Shri C. N. Yadav & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER IN MA 301/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents in MA 301/2017, returnable on 12th Sept. 2017.

3. Applicants are authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.

4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.

8. Affidavit in reply be filed before due date.

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

10. S.O. to 12.09.2017.

**VICE CHAIRMAN.**

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

**MA ST. NO.591/2017 IN OA ST.NO.592/2017**  
**with MA NO.302/2017.**

(Shri D. N. More & Ors. Vs. State of Mah. & Ors.)

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

**DATE** : 01-08-2017

**ORAL ORDER IN MA ST. NO.591/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

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

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

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**MA NO.302/2017 IN OA ST. 592/2017.**  
**(Shri D. N. More & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER IN MA 302/2017:-**

Heard Shri U. B. Dhage learned Advocate for the applicants and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents in MA 302/2017, returnable on 12th Sept. 2017.
3. Applicants are authorized and directed to serve on all respondents notice of O.A. authenticated by Registry, along with complete paper book of O.A. stating that this Tribunal may take the case for final disposal at this stage and a separate notice for final disposal not be issued.
4. Authorization for service of notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the question such as limitation and alternate remedy are kept open.

5. The service of notice may be done by the applicant by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry as far as possible before the due date.

6. Affidavit of service be filed one week before due date.

7. Learned P.O. is directed to communicate this order.

8. Affidavit in reply be filed before due date.

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

10. S.O. to 12.09.2017.

**VICE CHAIRMAN.**



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

**ORIGINAL APPLICATION NO.718/2016.**

**( Shri A. T. Bari & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

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

2. The learned Advocate for the applicant submits that, the orders passed by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur in W.P.No.2046/2010 (Exh. A-4, page 34) was challenged by the State in Hon'ble the Supreme Court of India and the Spl. Leave petition as against the same is dismissed (page 75). He further submits that, applicant would be satisfied if the similar relief is given to the applicants.

3. The learned P.O. is therefore, directed to take the instructions from the concerned Respondents as to whether any corrective steps can be taken on the line of the orders of Hon'ble High Court and Hon'ble the Supreme Court of India, and in case any corrective steps

can not be taken an affidavit to that effect be filed in this Tribunal on or before 13.9.2017.

4. S.O. to 13.09.2017.
5. The learned P.O. is directed to act on the Steno copy of this order.
6. Status quo to continue till then.

**ORAL ORDERS 01.08.2017-ATP**

**VICE CHAIRMAN.**

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

**OA Nos.760 and 761 of 2016.**  
**( Shri G.D. Muley & Ors. Vs. State of Mah. & Ors.)**

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

**DATE** : 01-08-2017

**COMMON ORAL ORDER:-**

Heard Shri A. S. Deshmukh learned Advocate for the applicants, Shri M. P. Gude learned Presenting Officer for the respondents no.1 to 3 in respective O.As. Shri S. B. Patil learned Advocate for the Respondent no.4 in OA No.760/2016 and Shri G. N. Patil learned Advocate for the Respondents no.2 & 4 in OA No.761/2016.

2. Learned P.O. submits that during course of the day affidavit in reply would be filed. Copy be served on the other side. He seeks time till tomorrow. At his request, S.O. to 02.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.172/2017.**  
**( Shri Taher Ali Shah Vs. State of Mah. & Ors.)**

**CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri S. K. Mathpati learned Advocate for the applicant and Smt P. R. Bharaswadkar learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that, though the applicant is seeking deemed date of time bound promotion dated 6.3.2001 still the application is not beyond the period of limitation as the applicant is in service and as he was filing representations after representations for getting the time bound promotion. It prima-facie appears that, the application is beyond limitation. Therefore, place the application for hearing on this issue to 11.09.2017. The affidavit in reply, if any, may be filed.

3. S.O. to 11.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.405/2016.**  
**( Shri Wali Abdul Khadar Vs. State of Mah. & Ors.)**

**CORAM: Hon. Shri Justice M. T. Joshi, Vice Chairman.**  
**DATE : 01-08-2017**  
**ORAL ORDER:-**

Heard Shri A. S. Reddy learned Advocate for the applicant and Smt. S. K. Ghate Deshmukh learned Presenting Officer for the respondents.

2. While the learned P.O. submits that, the file of the present application is misplaced in the office, the learned Advocate for the applicant submits that, despite grant of Steno copy to the then learned P.O. and despite the communication of the said order by the applicant, the respondents are continuing with the recovery, which is challenged in the application.

3. At the request of the learned P.O. to secure the file and also to take instructions regarding the said status as submitted by the learned Advocate for the applicant, S.O. to 10.08.2017.

4. Steno copy as well as authenticated copy be supplied to both sides.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.141/2017.**  
**( Smt VijayaRajanna Jetty Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri A. C. Deshpande learned Advocate for the applicant and Smt R. S. Deshmukh learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that, due to defect in the online process the status of service of notices could not be located. However, as per the knowledge of the applicant notices were already served. The learned P.O. also confirmed the said fact. In the circumstances, filing of service affidavit is dispensed with.

3. Learned P.O. seeks time for filing reply. At his request, S.O. to 11.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.365/2017.**  
**( Shri S. K. Gorge Vs. State of Mah. & Ors.)**

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

**DATE** : 01-08-2017

**ORAL ORDER:-**

Heard Shri G. N. Kulkarni learned Advocate for the applicant and Smt D. S. Deshpande learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. At her request, S.O. to 22.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.342/2017.**  
**( Shri J. K. Kundile Vs. State of Mah. & Ors.)**

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

**DATE** : 01-08-2017

**ORAL ORDER:-**

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

2. Rejoinder to the affidavit in reply is filed on record. Its copy is served on the other side.
3. S.O. to 28.09.2017 for hearing on admission.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**



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

**ORIGINAL APPLICATION NO.199/2017.**  
**( Smt Rajubai S. Patil Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri S. K. Mathpati learned Advocate for the applicant and Shri D. R. Patil learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply. At his request, S.O. to 11.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.32/2017.**  
**( Smt S. N. Sonawane Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

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

2. The learned Advocate for the applicant seeks time. S.O. to 10.8.2017. Liberty to file reply of Respondent no.2 is hereby granted.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.23/2017.**  
**( Shri B. B. Chavan Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri K. G. Salunke learned Advocate for the applicant and Shri V. R. Bhumkar learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 04.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION NO.784/2016.**  
**( Shri Shaikh Meheboob Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri G. N. Kulkarni learned Advocate for the applicant and Shri M. P. Gude learned Presenting Officer for the respondents.

2. Learned P. O. seeks time to file affidavit in reply.

As a last chance time to file reply is hereby granted.

3. S.O. to 06.09.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION St.No.2060/2016.**  
**(Bebabai P. Koli (Sapkale) Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

Heard Shri V. P. Patil learned Advocate for the applicant and Shri M. S. Mahajan learned Chief Presenting Officer for the respondents.

2. The learned Advocate for the applicant seeks time to argue on the point of maintainability of the application as raised by the office. At his request, S.O. to 10.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

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

**ORIGINAL APPLICATION St. NO.423/2017.**  
**( Shri T. P. Mahajan Vs. State of Mah. & Ors.)**

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

**DATE : 01-08-2017**

**ORAL ORDER:-**

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

2. Learned Advocate for the applicant seeks time for filing an application. At his request, S.O. to 22.08.2017.

**VICE CHAIRMAN.**

**ORAL ORDERS 01.08.2017-ATP**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 343/2016 IN OA ST. 1570/2016**

(Shri Datta A. Tumram Vs. The State of Mah. & Ors.)

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

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri S.N. Pagare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply of the respondents to the misc. application which is filed by the applicant for condonation of 671 days delay caused in filing the accompanying original application. Time granted.

3. The respondents are hereby directed to consider the request of the present applicant as appears to have been considered favourably in case of other certain employees, which can be found from document at Annex. A. 8 paper book page 44 of the original application and report the compliance in this regard on the next date.

4. S.O. to 19.9.2017 for reporting the compliance by the learned P.O.

5. The learned P.O. to act upon Steno copy of this order.

**VICE CHAIRMAN**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 268/2017 WITH MA ST. 943/2017 IN OA 521/2014**  
(Shri Satish C. Jadhav Vs. The State of Mah. & Ors.)

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

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 11.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 574/2016**

(Smt. Jyoti D. Siddhewar Vs. The State of Mah. & Ors.)

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

**Date : 01.08.2017**

**ORAL ORDER:-**

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

2. It appears from the present proceeding that, this matter is treated as part heard by Shri B.P. Patil, Hon'ble Member (J). In the circumstances, place the matter before the same Bench on 7.8.2017 for further hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 470/2016**

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

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

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri M.K. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 277/2015 IN OA 419/2014**

(Shri Kashinath P. Sonwane Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(D.B. MATTER)**

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri M.K. Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**MA 420/2015 IN OA 420/2014**

(Shri Manik B. Bidve Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(D.B. MATTER)**

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri M.K. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 23.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 13/2017**

(Shri Ramesh N. Swami Vs. The State of Mah. & Ors.)

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

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri D.T. Devane, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. In pursuance of the order of the Tribunal dated 7.7.2017 the learned Presenting Officer has filed on record personal affidavit of Shri Sanjay D. Yenpure, Deputy Commissioner of Police (Special Branch), Mumbai City. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. In the circumstances, place the present matter for final hearing before Shri B.P. Patil, Hon'ble Member (J) on 9.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**REV. 4/2017 IN OA 223/2014**

(Shri Kakasaheb B. Zalte & Ors. Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(D.B. MATTER)**

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Smt. Juce Palekar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.

2. With consent of both the sides, S.O. to 21.8.2017.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 85/2017**

(Nikita K. Bhangе Vs. The State of Mah. & Ors.)

**Coram : Hon'ble Shri Justice M.T. Joshi, Vice Chairman  
(D.B. MATTER)**

**Date : 01.08.2017**

**ORAL ORDER:-**

Heard Shri J.M. Murkute, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The learned P.O. seeks time to file personal affidavit of Shri M.P. Jadhav, Under Secretary, Maharashtra Public Service Commission, Mumbai as directed by this Tribunal vide order dated 18.7.2017. Time granted till 21.8.2017 with a caveat that upon failure to file personal affidavit by the next date on the line of order dated 18.7.2017 by Shri M.P. Jadhav, Under Secretary, the Tribunal may be constrained to impose heavy costs on him or to call him personally before the Tribunal.

3. In the mean time the respondents are directed to take corrective steps in the matter as per the law, as it appears from the contention of applicant that on the basis of undertaking given by the applicant, she was allowed to appear for oral interview and later on technical objection has been

raised by the concerned respondents regarding non submission of non creamy layer certificate by the applicant for Open category and that the earlier non creamy layer certificate filed by the applicant was regarding N.T. category.

4. In the circumstances, S.O. to 21.8.2017 for filing personal affidavit by Shri M.P. Jadhav, Under Secretary of res. no. 2 as well as reporting of the corrections steps by the respondents.

5. The learned P.O. to act upon the steno copy of this order.

**VICE CHAIRMAN**

ARJ ORAL ORDERS 1.8.2017



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**O.A.NO. 928/16 WITH M.A.NO. 13/17  
(Shri Govind J. Dhole Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri S.D. Dhongde – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondent Nos. 1 & 2. Shri P.S. Paranjape – learned Advocate for respondent No. 3 (**absent**).

2. Since nobody appeared on behalf of the respondent No. 3, S.O. to 3<sup>rd</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 701 OF 2013  
(Shri Ramrao T. Rathod Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
: Hon'ble Shri B.P. Patil, Member (J)  
DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri K.B. Jadhav – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondents.

2. The case of the applicant is that he was eligible to be promoted as Jailor, Grade-II on the basis of his seniority in the prison department and also on the basis of recruitment rules, which are placed on record at Exhibit 'Q' (page No. 63 of the paper book of the O.A.). The rule provide that appointment to the post of Jailor, Grade-II shall be made by promotion or by nomination and for promotion no Test of any kind is provided in the rule. For the sake of convenience, the relevant recruitment rule is reproduced as under: -

***“Jailor Group-II***

***Appointment to the post shall be made either –***

***(A) by promotion of suitable departmental candidates who:-***

***(i) have passed the S.S.C. Examination with English as one of the optional subjects or any other equivalent examination.***

***(ii) have served in the Prison Department for at least 10 years.***

***(iii) possess minimum height of 162 Cm. and minimum chest measurement of 76-82 Cm and***

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3. In paragraph 18 of the Original Application the applicant has stated that he was asked to undergo some physical test when there is no provision in the Recruitment Rules for physical or any other test for appointment on the post of Jailor, Group-II, by promotion. He was, therefore, required to be considered for promotion simply on the basis of his seniority subject to his fitness. In reply to the paragraph 18 in the Original Application, affidavit in reply is filed on behalf of the respondent Nos. 2 to 4 on 26.3.2017. In paragraph No. 14 of the said affidavit in reply, it is stated as under: -

**“14. .. .. .  
.. .. .  
..  
.. .. *The averments made by the Applicant in this Para that the Respondent should consider his age of 51 years & to satisfy the intention of legislature to fill the quota are not correct as the Respondents are abide by the Rules of Recruitment of Jailor Group-II and has to follow the procedure of the ground & written test as per recruitment Rules. It is therefore submitted that there is no ground or cause arose to file this application for the Applicant.*”**

However, we are unable to find any provision in the Recruitment Rules for ground or written test. This statement appears to be without any basis.

4. The respondents have placed on record the minutes of the meeting of DPC, which was held on 31.10.2013 to consider the candidates for promotion of Jailor, Grade-II. However, the recruitment rules on which they are relying do not provide for any ground/written test before a candidate can be considered for promotion for the post of Jailor, Grade-II. This contention of the Respondents that this test is

required is not supported by the material on record. In fact, the plain reading of the recruitment rules makes it clear that there is no provision for holding any ground test or written test for the promotion to the said post.

5. The respondents are, therefore, directed to call meeting of DPC / Review DPC and consider the case of the applicant for promotion to the post of Jailor, Grade-II in terms of Recruitment Rules, which are provided in prison manual and have been reproduced at Exhibit 'Q' page-63 of the O.A.

This should be done within a period of three months from today and if the applicant is found eligible for promotion as per his seniority cum fitness, order should be issued within a further period of two weeks thereafter.

6. Accordingly, the present Original Application stands allowed with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 128 OF 2017  
(Shri Gopinath Baburao Nalawade Vs. The State of Maha.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri V.B. Wagh – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondent.

2. It appears that the applicant has retired on 30.06.2012 on attaining the age of superannuation from the post of Deputy Engineer, P.W.D., Sub Division, Jintoor, District Parbhani. Before he retired from the Government service, two departmental enquires were started against him on 19<sup>th</sup> July, 2011 and 3.12.2011. Though the 'events' alleged in the memoranda of the departmental enquiry might be more than four years old, the fact remains that the applicant was in service, when D.Es. were started against him. The enquiries do not appear to be barred by rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982.

3. It is seen that though the enquiries were started in the year 2011 they have yet not been finalized. The applicant is aggrieved that there is undue delay in finalization of the departmental enquiries against him and as a result his retiral benefits/dues have not been released to him.

4. Learned Presenting Officer has placed on record a copy

**...2**

**O.A. NO. 128 OF 2017**

of report dated 15<sup>th</sup> June, 2017 from the Regional Enquiry Officer, Amravati submitted to Shri G.B.Shinde, Under Secretary, Public Works Department, Mantralaya, Mumbai-32, wherein it has been reported that the applicant is not co-operating with the enquiry officer in expediting the enquiry proceeding.

5. We are of the opinion that there has been in undue delay in concluding the D.Es. against the applicant and it is necessary that the same be expedited.

6. Learned Advocate for the applicant has assured that the applicant will fully cooperate with the enquiry officer in completion of the D.Es. He however, mentioned that the applicant, after retirement, has settled down in Aurangabad and he has not getting notice from the Enquiry Officer at his Aurangabad address.

7. Learned Presenting Officer may obtain the address etc. of the applicant and supply it to the enquiry officer with a request to send the notice to the applicant on the correct address at Aurangabad for D.Es.

8. The respondents are directed to ensure that D.Es. should be completed in all respect within a period of two months' from today. The applicant may also cooperate with the enquiry officer.

9. No doubt upon final outcome of the Departmental Enquiries, the respondents will take expedite action to pay the

**O.A. NO. 128 OF 2017**

retiral benefits/dues as per the rules and regulations to the applicant.

10. Accordingly, the present Original Application stands disposed of with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 670 OF 2013  
(Shri Jivan Janglu Sathe Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri S.P. Brahme – learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.
2. Since nobody appeared on behalf of the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 664 OF 2013  
(Shri Bhagwan S. Naik & Anr. Vs. The State of Maha. and  
Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri U.S. Sawji – learned Advocate for the applicant and Shri D.R. Patil – learned Presenting Officer for the respondent Nos. 1 to 4. Shri Swapnil B. Joshi – learned Advocate for respondent No. 5 (**absent**).
2. This case be placed before the next Division Bench, as and when it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 654 OF 2013  
(Dr. Amol S. Pawar Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri Bangar, learned Advocate holding for Smt. Surekha Mahajan – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.
2. Learned Advocate for the applicant prays for time. Time granted.
3. This case be placed before the next Division Bench, as and when it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 619 OF 2013  
(Shri Chandrashekar G. Walimbe Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri L.M. Kulkarni – learned Advocate for the applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 620 OF 2013  
(Sau. Chitra R. Sontakke Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri L.M. Kulkarni – learned Advocate for the applicant (**absent**). Shri N.U. Yadav – learned Presenting Officer for the respondents, present.
2. Since nobody appeared for the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 652 OF 2013  
(Shri Ravindra N. Kshirsagar Vs. The State of Maha. and  
Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri L.M. Kulkarni – learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 553 OF 2013  
(Shri Rashid Shaikh Noor Patel Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri Santosh S. Dambe – learned Advocate for the applicant (**absent**). Shri I.S. Thorat – learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 736 OF 2012  
(Shri Devidas R. Jadhav Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri Sudhir Patil – learned Advocate for the applicant has filed leave note. Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents, present.
2. This case may be kept before the next Division Bench as and when it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 122 OF 2012  
(Shri Jalindar K. Rathod Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri S.S. Jadhavar – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.
2. Since nobody appeared for the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 123 OF 2012  
(Shri Datta Keru Darade Vs. The State of Maha. and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri S.S. Jadhavar – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.
2. Since nobody appeared for the applicant, S.O. to 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**T.A.NO. 01/2011 (W.P.NO. 2246/2009)  
(Dr. Santosh L. Munde & Ors. Vs. The State of Maha. and  
Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Shri A.N. Irpatgire – learned Advocate for the applicants (**absent**). Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents, present.
2. Only one set of the present Original Application is available. However, second set of the O.A. has not been made available by the learned Advocate for the applicant.
3. This case may be kept for final hearing on 4<sup>th</sup> August, 2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 282/2017 IN O.A.ST.NO.1008/2017  
(Shri Murlidhar S. Jadhav & Ors. Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri S.S. Deve – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

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

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1008 OF 2017  
(Shri Murlidhar S. Jadhav & Ors. Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri S.S. Deve – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

:: - 2 - ::  
**O.A. ST.NO.1008 OF 2017**

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

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

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

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

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

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

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

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

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

**"14. INTERIM RELIEF PRAYED FOR**

C) Pending hearing and final disposal of this Original Application to direct the respondents to grant the permission to the applicants for appearing the examination scheduled on 13.08.2017 conducted by MPSC as per the advertisement dated 17.05.2017.

12. Paragraph 14(C) of O.A. paper book relates to all the applicants. Learned Advocate for the applicant stated that all the applicants have filled up application form in time.

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

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

15. Therefore, applicants have made out case for grant of

**:: - 4 - ::**  
**O.A. ST.NO.1008 OF 2017**

interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.

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

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

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

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

20. S.O. to 16.09.2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 305/2017 IN O.A.ST.NO.1082/2017  
(Shri Rajendra A. Pandit & Ors. Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri Sandip B. Sontakke, learned Advocate holding for Shri A.C. Deshpande – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

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

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1082 OF 2017  
(Shri Rajendra A. Pandit & Ors. Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri Sandip B. Sontakke, learned Advocate holding for Shri A.C. Deshpande – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

:: - 2 - ::  
**O.A. ST.NO.1082 OF 2017**

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

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

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

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

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

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

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

:: - 3 - ::  
**O.A. ST.NO.1082 OF 2017**

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

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

**"10. INTERIM RELIEF PRAYED FOR**

a) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants, who have submitted their application form to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

b) The Hon. Tribunal further be pleased to direct the Respondent No.1 and 2 to extend the date of submission of application form for the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch) in respect of the Applicants i.e. Asst. teachers / primary teachers working under the Zilla Parishad who have not submitted their forms and allow them to appear in the examination till final disposal of this Original Application."

(Quote paragraph 9 (a) and (b), page 15 of O.A. paper book)

12. Learned Advocate for the applicant submits that he is not pressing interim relief 10 (b) as all the applicants have filled in application form in time.

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

:: - 4 - ::  
**O.A. ST.NO.1082 OF 2017**

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

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

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

17. We therefore, grant interim relief of foregoing paragraph 14 with notice of Show cause as to why interim relief as prayed may not be granted.

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

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

20. S.O. to 16.09.2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 295/2017 IN O.A.ST.NO.1032/2017  
(Shri Jitsingh L. Pardeshi & Ors. Vs. The State of Maha.  
and Ors.)**

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri Sandip B. Sontakke, learned Advocate holding for Shri A.C. Deshpande – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

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

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ORAL ORDERS 01.08.2017-HDD

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION ST.NO.1032 OF 2017  
(Shri Jitsingh L. Pardeshi & Ors. Vs. The State of Maha.  
and Ors.)**

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

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

**DATE : 01.08. 2017.**

**ORAL ORDER:**

1. Heard Shri Sandip B. Sontakke, learned Advocate holding for Shri A.C. Deshpande – learned Advocate for the applicants and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

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

:: - 2 - ::  
**O.A. ST.NO.1032 OF 2017**

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

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

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

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

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

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

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

:: - 3 - ::  
**O.A. ST.NO.1032 OF 2017**

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

10. Heard on the point of interim relief.

11. Applicants have prayed interim relief as follows :-

**"10. INTERIM RELIEF PRAYED FOR**

a) The Hon. Tribunal be pleased to direct the Respondent No.1 & 2 to allow the Applicants, who have submitted their application form to appear for the Limited Departmental Competitive Examination-2017 subject to outcome of this Original Application.

b) The Hon. Tribunal further be pleased to direct the Respondent No.1 and 2 to extend the date of submission of application form for the examination namely Limited Departmental Examination-2017 for the post of Maharashtra Education Services, Group-B (Administrative Branch) in respect of the Applicants i.e. Asst. teachers / primary teachers working under the Zilla Parishad who have not submitted their forms and allow them to appear in the examination till final disposal of this Original Application."

(Quote paragraph 9 (a) and (b), page 15 of O.A. paper book)

12. Learned Advocate for the applicant submits that he is not pressing interim relief 10 (b) as all the applicants have filled in application form in time.

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



**:: - 4 - ::**  
**O.A. ST.NO.1032 OF 2017**

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

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

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

16. We therefore, grant interim relief of foregoing paragraph 14 with notice of Show cause as to why interim relief as prayed may not be granted.

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

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

19. S.O. to 16.09.2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.105/2014**

(Arun Harilal Rathod V/s. The State of Mah. & Ors.)

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

**AND**

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

**DATE : 1<sup>st</sup> August, 2017**

**ORAL ORDER:**

Heard Shri A.S.Deshpande learned Advocate for the Applicant and Shri V.R.Bhumkar learned Presenting Officer for the Respondents.

2. Learned Advocate Shri A.S.Deshpande submitted that he has received instructions from the applicant that he wants to withdraw the O.A. He seeks leave to withdraw the O.A.

3. Leave as prayed for is granted. O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.136/2014**

(Shaikh Rasool Allauddin V/s. The State of Mah. &  
Ors.)

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

**AND**

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

**DATE : 1<sup>st</sup> August, 2017**

**ORAL ORDER:**

Heard Shri H.M.Shaikh learned Advocate for the Applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the Respondents.

2. This case be placed before the next Division Bench whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**O.A. NO.145/2014 WITH O.A.NO.146/2014**  
(Dr. Gajanan Haran & Another V/s. The State of  
Maharashtra & Ors.)

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

**DATE : 1<sup>st</sup> August, 2017**

**ORAL ORDER:**

Shri H.V.Patil learned Advocate for the Applicants is **absent**. Shri M.S.Mahajan learned Chief Presenting Officer for the Respondents is present.

2. Since none is present for the applicant,  
S.O. 04-08-2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**T.A.No.02/2016 IN W.P.No.12209/2015**  
(Rucha Tandale V/s. The State of Mah. & Ors.)

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

**DATE : 1<sup>st</sup> August, 2017**

**ORAL ORDER:**

Heard Shri S.S.Thombre learned Advocate for the Applicant, Shri N.U.Yadav learned Presenting Officer for the Respondents, Shri M.B.Kolpe learned Advocate for respondent no.2 and Shri V.B.Wagh learned Advocate for the Intervenor.

2. At the request of the parties, S.O. to 03-08-2017.

**MEMBER (J)**

**VICE CHAIRMAN (A)**