

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.1114 of 2022 (D.B.)**

Priyanka d/o Gopalsingh Kuware (Kuwarey),
Aged: about 31 yrs Occu: Nil
R/o 201, Shri Ganesh Apartment,
Plot No. 06, Chintamani Nagar-01,
Besa Road, Nagpur- 27.

Applicant.

Versus

1) State of Maharashtra through its Principal Secretary,
General Administration Department, Mantralaya,
Mumbai – 32.

2) Maharashtra Public Services Commission through its Secretary,
Main Office, 51/2, 7th and 8th Floor, Co-operage Telephone
Exchange Building, Maharshi Karve marg, Cooperage,
Mumbai-440 021.

Respondent.

**S/Shri P.V. Navlani, R. Sidharth, H.D. Marathe, Advs. for the
applicant.**

Shri M.I. Khan, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman and
Hon'ble Shri Nitin Gadre, Member (A).**

Dated :- 24/10/2024.

J U D G M E N T

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

2. The applicant appeared in the examination for the post of
Range Forest Officer (RFO). She secured highest marks and second
in the merit. But her result / appointment is withheld only because of

the pendency of the W.P. No.2142/2019 and the order passed on Interlocutory Application No.1/2020 as per the order dated 10/08/2020 by the Hon'ble Bombay High Court.

3. The case of the applicant in short is as under –

The respondents have issued advertisement for the post of Assistant Conservator of Forests (ACF) and also for Range Forest Officer (RFO). 71 posts are / were to be filled as per advertisement dated 3/8/2019. The applicant appeared in the examination. She has secured qualifying marks. She is second in the merit list. Two posts are reserved for S.T. (female) category candidates. The applicant belongs to S.T. category, but result is not declared by the respondents on the ground of pendency of Writ Petition before the Hon'ble Bombay High Court in the case of **Deepali Satyawar Bhadekar and Ors. Vs. State of Maharashtra and Ors.**

4. The O.A. is strongly opposed by the respondents. It is submitted that the Hon'ble Bombay High Court in Writ Petition No. 2142/2019 in the case of **Deepali Satyawar Bhadekar and Ors. Vs. State of Maharashtra and Ors.**, passed order directing that result be kept in a sealed cover and it may be subject to the outcome of the Writ Petition. The said Writ Petition is pending and therefore recruitment process is stopped. Therefore O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for applicant has pointed out Judgment / order of the Hon'ble Bombay High Court in Writ Petition No.2142/2019 in the case of ***Deepali Satyawar Bhadekar and Ors. Vs. State of Maharashtra and Ors.***, it is in respect of ACF. It is not applicable to the post of RFO. Therefore, prayed that respondents be directed to declare the result and if the applicant is found eligible, she be appointed on the post of RFO.

6. The P.O. has submitted that Writ Petition No.2142/2019 is in respect of ***Deepali Satyawar Bhadekar and Ors. Vs. State of Maharashtra and Ors.***, is pending before the Hon'ble High Court and before the decision of Writ Petition, the respondents cannot proceed the recruitment process.

7. During the course of submission, it was pointed out that recruitment process was in respect of ACF and also for RFO. 29 posts of ACF and 71 post of RFO were advertised. The chart given in the advertisement in respect recruitment of ACF / RFO is reproduced below –

(१) सहायक वन संरक्षक, गट-अ (एकूण २९ पदे)													
प्रवर्ग	अ.जा.	अ.ज.	वि.जा. (अ)	भ.ज. (ब)	भ.ज. (क)	भ.ज. (ड)	इ.मा.व.	वि.मा.प्र.	सा. व शै. मागासवर्ग	आ.दु.घ.	एकूण मागासवर्गीय	खुला	एकूण पदे
पदसंख्या	४	--	--	१	१+१*	१	२	१+१*	५	३	२०	९	२९
रिक्त जागांचे प्रवर्गानिहाय सामाजिक/समांतर आरक्षणाचे विवरणपत्र खालीलप्रमाणे आहे :-													
सर्वसाधारण	३	--	--	१	१	१	१	१	४	२	१४	५	१९
महिला	१	--	--	--	१	--	१	१	१	१	६	३	९
खेळाडू	--	--	--	--	--	--	--	--	--	--	--	१	१
(२) वनक्षेत्रपाल, गट-ब (एकूण ७१ पदे)													
पदसंख्या	५+५*	५	१	१*	८	२+१*	१०+४*	२	११	७	६२	९	७१
रिक्त जागांचे प्रवर्गानिहाय सामाजिक/समांतर आरक्षणाचे विवरणपत्र खालीलप्रमाणे आहे :-													
सर्वसाधारण	५	३	१	१	६	२	८	१	६	५	३८	३	४१
महिला	३	२	--	--	२	१	४	१	३	२	१८	३	२१
खेळाडू	१	--	--	--	--	--	१	--	१	--	३	१	४
अनाथ	--	--	--	--	--	--	--	--	--	--	--	१	१
वनशास्त्र पदवीधारक	१	--	--	--	--	--	१	--	१	--	३	१	४
* अनुशेषाची पदे													

8. The applicant applied for the post of RFO and ACF. Two posts are reserved for S.T. (female). The applicant belongs to S.T. (female).

9. From the perusal of result sheet, it appears that the applicant applied for the post of ACF and also RFO. Therefore, her result is withheld by the respondents. The order of the Hon'ble Bombay High Court is very clear. Till the decision of the Writ Petition in the case of **Deepali Satyawar Bhadekar and Ors. Vs. State of Maharashtra and Ors.**, the respondents cannot declare the result. Hence, the prayer made in the O.A. cannot be granted by this Tribunal. Therefore, we proceed to pass the following order –

ORDER

The O.A. is dismissed. No order as to costs.

(Nitin Gadre)
Member(A).

(Justice M.G.Giratkar)
Vice Chairman.

Dated :- 24/10/2024.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman and Member (A).

Judgment signed on : 24/10/2024.