

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 630 OF 2016**

**DISTRICT : SOLAPUR**

Dr Umesh Krishna Agawane, )  
Occ : Ad hoc service, R/o: 724/1/14 )  
Parshuram Smruti, Utkarsh Colony, )  
Shivaji Nagar, A/P Barshi, Dist-Solapur. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Principal Secretary, )  
Medical Education & Drugs Dept, )  
Having office at G.T Hospital Campus )  
9<sup>th</sup> floor, B-Wing, Mantralaya, )  
Mumbai 400 001. )
2. The Director of Ayurveda, )  
Having office at Ayurveda Directorate, )  
Having office at St. Georges' Hospital )  
Campus, C.S.T, Mumbai-1. )
3. The Dean, )  
Government Ayurvedic College, )  
Vajirabad, Nanded. )
4. Smt Manisha N. Khandade, )  
Working as Assistant Professor in )  
Stiroga Va, Prasuti Tantra, )  
Government Ayurvedic College, )  
Vajirabad, Nanded. )...**Respondents**

Shri B.A Bandiwadekar, learned advocate for the Applicant.

Ms Savita Suryavanshi, learned Presenting Officer for the Respondents no 1 to 3.

Shri K.R Jagdale, learned advocate for Respondent no. 4.

**CORAM** : **Shri Justice A.H Joshi (Chairman)**  
**Shri P.N Dixit (Member) (A)**

**RESERVED ON : 12.02.2018**

**PRONOUNCED ON : 15.02.2018**

**PER : Shri Justice A.H Joshi (Chairman)**

**ORDER**

1. Heard Shri B.A Bandiwadekar, learned advocate for the Applicant, Ms Savita Suryavanshi, learned Presenting Officer for the Respondents no 1 to 3 and Shri K.R Jagdale, learned advocate for Respondent no. 4.

2. M.P.S.C had advertised two posts of Assistant Professors in the subject Striroga Va Prasuti Tantra

3. One post was reserved for S.C and another for OBC.

4. Applicant and Respondent no. 4 are selected and appointed against vacancy for S.C and O.B.C respectively.

5. Applicant claims that:-

(a) Order of appointment dated 14.3.2016 was issued.

(b) Respondent no. 4 received it on 18.3.2016 and has joined.

(c) Applicant has received said order on 31.3.2016 and reported for joining duty on the same day.

6. Applicant is served with the impugned order whereby she is informed that she cannot be allowed to join because candidate working in the vacancy which was advertised has filed Writ Petition No. 10255/2015 and said Petitioner's service has been protected during pendency of said Writ Petition.

7. Applicant admits that though he came to know about the fact that the candidate occupying the vacancy against which applicant has been appointed has approached the Hon'ble High Court, the applicant has failed to intervene in the said Writ Petition and to pray for vacation/modification of orders whatsoever.

8. In the result, even if the Original Application is to be allowed, it could be done only after quashing the impugned communication, which can be done only if applicant shows that said communication is vitiated due to any illegality.

9. Though the applicant had addressed at length, applicant is not able to demonstrate as to the reasons for which the impugned communication is contrary to law or in violation of applicant's Fundamental Rights.

10. All that can be observed is that applicant has chosen to acquiesce to intervene in the Writ Petition with open eyes and at his own risk. Therefore, no relief whatsoever can be granted in favour of the applicant.

11. Original Application has no merit and is dismissed.

**Sd/-**  
**(P.N Dixit)**  
**Member (A)**

**Sd/-**  
**(A.H. Joshi, J.)**  
**Chairman**

**Place : Mumbai**  
**Date : 15.02.2018**  
**Dictation taken by : A.K. Nair.**