

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 794 OF 2016**

**DISTRICT : SOLAPUR**

Dr Shankar Ramchandra Chinchkar )  
R/o: 'Viram', Plot-3, Back side of )  
B. Pharmacy College, At/Post Akluj )  
[Malewadi], Tal-Malshiras, Dist-Solapur. )  
Maharashtra 413 101. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through its Secretary, )  
Agricultural, Animal Husbandry, )  
Dairy Development & Fisheries Dept )  
Mantralaya, Mumbai 400 032. )
2. The Commissioner, )  
Animal Husbandry, M.S., )  
Aundh, Pune - 7. )
3. The Regional Joint Commissioner of )  
Animal Husbandry, Pune Region, )  
Aundh, Pune-7. )
4. District Dy. Commissioner of Animal )  
Husbandry, Solapur, Dist-Solapur. )...**Respondents**

Shri S.B Gaikwad, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula Bhatkar (Chairperson)**  
**Mrs Medha Gadgil (Member) (A)**

**DATE** : **15.03.2023**

**J U D G M E N T**

1. The applicant prays that the Tribunal be pleased to direct the Respondents to send the applicant for medical examination and further give appointment to the applicant on receipt of medical fitness certificate from the Medical Board. The Respondents may be further directed to maintain the seniority of the applicant.

2. Learned counsel for the applicant has submitted that pursuant to the advertisement dated 17.4.2009 for filling up 153 posts, the applicant has applied for the post of Assistant Commissioner, Animal Husbandry, Maharashtra Animal Husbandry Services Group-A. The applicant was selected through M.P.S.C for the post of Assistant Commissioner, Animal Husbandry and he stood at Sr. No. 1 in the merit list in the open general category. Learned counsel for the applicant submitted that the Respondent issued the first order of appointment of 121 candidates on 27.9.2012 and last such order was issued on 4.6.2013. The name of the applicant was not in the said order. Learned counsel for the applicant has further submitted that the applicant was never informed about the medical test and so he could not go for the medical test. The applicant on 19.11.2012 enquired on telephone why his order was not issued, he was informed by the office of the District Deputy Commissioner that the information will be given subsequently. Learned counsel for the applicant pointed out, that is the communication issued by the Regional Joint Commissioner, Animal Husbandry to District

Deputy Commissioner, Animal Husbandry, i.e., Respondent no. 4, dated 15.10.2012 thereby directing the office to take the medical test of the applicant and the copy was handed over to the applicant. In this, the address of the applicant was wrongly mentioned especially in respect of the village where he was staying that was Malewadar (Akluj), Tal-Malshiras. Learned counsel has submitted that instead of writing (Akluj) Malewadi it was mentioned as Malewadar, (Akluj). Also, the mobile no of the applicant mentioned in the said letter was 0909047394, while the correct number is 09099047394. Learned counsel for the applicant has further submitted that the applicant thereafter visited the office on 22.4.2013 to the office of Respondent no. 4, and by letter dated 23.4.2013, Respondent no. 4 prepared letter of medical examination. However, copy of the letter was not given to the applicant. Learned counsel for the applicant has submitted that Respondent no. 4, directed the applicant to go to the office of Animal Husbandry, Mantralaya and meet the Desk Officer. Thereafter, he repeatedly contacted the Desk Officer, but till today the applicant is not sent for medical examination and therefore he filed the present Original Application. Learned counsel for the applicant further refers to the reply dated 30.7.2018 on behalf of Respondents no 1 to 4 filed by Shri Ravindra V. Gurav, Deputy Secretary in the office of Animal Husbandry Department, Mantralaya, Mumbai. Learned counsel for the applicant refers to the sur-rejoinder dated 24.2.2022 filed by Respondents no 1 to 3 through Shri M.S Patil, Senior Administrative Officer, Animal Husbandry. Learned counsel submits that the statement made in the sur-rejoinder of handing over the letter dated 22.4.2013 to the applicant is false. The applicant filed R.T.I with the Medical Board on 27.10.2016. The applicant relies on his rejoinder dated 13.10.2021 and points out that he made enquiry with the authority under R.T.I and he received information from

Government Hospital, Solapur on 7.11.2016, informing that they never received any letter regarding medical examination of the applicant and therefore they are unable to provide any information. Learned counsel for the applicant has submitted that in the sur-rejoinder the documents, i.e., statement of Mr Pana Shetty dated 27.11.2021, statement of Dr. G.M Kulkarni dated 28.11.2021, statement of Kalidas Mule dated 27.11.2021 and statement of L.C Joshi dated 2.12.2021 are false and created documents.

3. Learned P.O opposes the Original Application on the basis of the affidavit in reply dated 30.7.2018 and affidavit in rejoinder filed by Respondents no 1 to 3. She submits that on 22.4.2013 the applicant had visited the office of Respondent no. 4 and his statement was taken when he had not earlier appeared for the medical examination and he has given to that effect. It is not correct to state that the Respondents did not send him for the medical examination to Solapur and did not give the copy of the letter dated 22.4.2013. Learned P.O has submitted that the Respondents have recorded the statements of other Medical officers who were in the office at the relevant time to support the case of the Respondents on the point of handing over the said letter. It was handed over to the applicant and he was sent for medical examination. Learned P.O pointed that such letters are never sent to the concern Hospital where the examination is going to be conducted, but it is the practice followed by the Government that the letters for going for medical examination addressed to the concerned Hospital are always handed over to the Government employee going for medical examination.

4. Considered the submissions of the learned counsel for the applicant and the learned Presenting Officer. The case of the applicant that he visited the office of Respondent no. 2 on

22.4.2013 is not disputed. The fact disputed is that the applicant was given the letter to go for the medical examination. Assuming that he was given letter to go for the medical examination, yet we basically fail to understand why the applicant did not move this Court immediately and did not ask for the interim relief of medical examination. If the applicant would have asked for the interim relief by sending him for medical examination in the year 2013 or 2014, he would have been sent immediately by this Tribunal. It appears that the applicant slumbered over his right though he was selected and stood first in the merit list. We are unable to help him on the ground of unexplainable laches and delay exclusively on the part of the applicant.

5. In view of the above, we find no merit in the Original Application and the same stands dismissed.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 15.03.2023**  
**Dictation taken by : A.K. Nair.**