

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

REVIEW APPLICATION NO.4 OF 2019
IN
ORIGINAL APPLICATION NO.705 of 2016

1. The State of Maharashtra)
Through The Additional Chief Secretary,)
Medical Education and Drugs Department,)
Having office at Mantralaya,)
Mumbai 400 032)

 2. The Director of Medical Education & Research,)
Having office at Government Dental College and Hospital Building,)
4th floor, St. George's Hospital Compound, Mumbai-1.)
-Applicants (Org. Respondents)

Versus

- Smt. Meena Bhimanand Sonawane,)
Working as Professor Institute of Nursing Education,)
Institute of Nursing Education)
Having office in the Campus of Sir J.J. Group of Hospitals,)
Byculla, Mumbai -8)
R/o. A/401, Garden C.H.S. Grit Complex, Ghatkopar,)
Mankhurd Link Road, Gowandi, Mumbai 43)
-Respondent. (Org. Applicant)

Ms. S. Suryawanshi, the learned Presenting Officer for the Applicants (Org. Respondents)
Shri R. Sorankar, the learned Advocate for the Respondent (Org. Applicant).

CORAM : Justice Shri A.H. Joshi, Chairman

DATE : 05.04.2019.

J U D G M E N T

1. Heard Ms. S. Suryawanshi, the learned Presenting Officer for the Applicants (Org. Respondents) and Shri R. Sorankar, the learned Advocate for the Respondent (Org. Applicant).

2. Review Application No.4 of 2019 is urged on the ground as averred in paragraph No.6 which reads as under :-

"6. The Applicants (Org. Respondents) state that, as the appointment of the Org. Applicant to the post of Professor, Institute of Nursing Education, Mumbai is held to be illegal by order dtd. 20.7.2018, the order of this Hon'ble Tribunal dtd. 16.3.2017 holding that the probation period of the Applicant has deemed to have ended after two years from 21.1.2013 needs to be reviewed. It is submitted that, as the appointment order of the Org. Applicant is illegal, it is non-est in the eye of law, which renders the appointment to be a nullity. Therefore, in the interest of justice, it is submitted the judgment of this Hon'ble Tribunal dtd. 16.3.2017 needs to be reviewed and recalled."

(Quoted point 6 from pages 5 & 6 of the paper book of R.A)

3. Perusal of judgment in O.A reveals that this Tribunal held as below :-

"6. It is seen that all the experience claimed by the Applicant was in various Government Hospitals/ Institutions, and it was possible for the Respondents to verify the same before giving the Applicant appointment to the post of Professor. Even now, if it is concluded that the Applicant had obtained appointment as Professor fraudulently, appropriate action can be taken against her. However, whether that would be a sufficient reason not to complete her probation period is the moot point."

(Quoted paragraph 6, page 5 & 6 from Judgment dated 16.03.2017)

4. In the aforesaid background what is reserved in favour of State is the liberty to take action, and same point could not be used as a ground for Review under Order of 47 of Code of Civil Procedure.

5. Hence, Review Application is dismissed.

6. No costs.

Sd/-

(A.H. Joshi, J.)
Chairman

prk

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. _____ of 20 _____ DISTRICT _____
..... Applicant/s

(Advocate.....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE :</u> <u>5/4/19.</u></p> <p><u>CORAM :</u> Hon'ble Justice Shri A. H. Joshi (Chairman)</p> <p><u>APPEARANCE:</u> Shri/S. Suryawanshi P.D. (ori-Ret.) Advocate for Applicant</p> <p>Shri/S. R. Sorankar Adv for the C.P.O. for the Respondent/s (ori-officer)</p> <p>Adj/S O. to <u>heard</u> <u>no is allowed.</u></p> <p style="text-align: right;"><i>[Signature]</i></p>	<p>Date : 05.04.2019.</p> <p>M.A.No.116 of 2019 in R.A.No.4 of 2019 in O.A.No.705 of 2016</p> <p>The State of Maharashtra & Ors.Applicant (Org. Respondents)</p> <p>Versus M.B. SonawaneRespondents. (Org. Applicant)</p> <p>1. Heard Ms. S. Suryawanshi, the learned Presenting Officer for the Applicant (Org. Respondents) and Shri R. Sorankar, the learned Advocate for the Respondents (Org. Applicant).</p> <p>2. For the reasons stated in M.A.No.116 of 2019, for condonation of delay in filing R.A.No.4 of 2019 is allowed.</p> <p>3. M.A. is allowed.</p> <p style="text-align: right;"><i>[Signature]</i> Sd/- (A.H. Joshi, J) Chairman</p> <p>prk</p>