

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.429 OF 2019**

**DISTREICT:-AURANGABAD**

**Shri Rahul S/o Punjaram Gadkari**  
Age:44 years, Occu.: Service,  
R/o. F-17/11, N-7, CIDCO,  
Aurangabad, Tq. & Dist. Aurangabad.

**...Applicant.**

**VERSUS**

- 1. The State of Maharashtra,**  
Through its Secretary,  
Public Health Department,  
Mantralaya, Mumbai -32.
- 2. The State of Maharashtra,**  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
- 3. The Commissioner of Police Aurangabad.**  
Commissioner Office, Aurangabad.
- 4. The Deputy Commissioner of Police (Administration)**  
Aurangabad, Commissioner Office,  
Aurangabad.
- 5. The Deputy Director of Health, Aurangabad.**  
Near Baba Petrol Pump, Aurangabad.
- 6. The Assistant Commissioner,**  
Backward Class Cell, Aurangabad.  
Office of Divisional Commissioner, Aurangabad.

**....Respondents.**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri S.K. Chavan, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Learned P.O. was called to secure instructions.
3. Learned P.O. has received instructions.
4. Learned P.O. submits that:-
  - (a) Applicant is not allowed to join because the status of reservation of one vacancy of the post of Pharmacy Officer is not yet finalized.
  - (b) The Backward Class Cell has been asked to certify/guide as to the nature of vacancy, and guidance is also sought from office of D.G.P., Mumbai.
5. On whatever is seen the Applicant has failed to demonstrate any legal right.
6. Applicant shall be free to report to his parent department and wait for decision of the office of Commissioner of Police, Aurangabad.
7. Hence, no interference is called for. Original Application is disposed of.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.121 OF 2019**  
**(Shri Haribhau K. Gosavi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Smt. Suchita A. Dhongde, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents has tendered affidavit-in-reply for and on behalf of the Respondent No.1. It is taken on record.

3. Learned P.O. further states that the meeting of Review Committee is proposed to be held on 21.05.2019.

4. It is hoped that the Review Committee would take the decision on the same day and communicate its decision to the Applicant.

5. S.O. to 03.06.2019.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST.NO.918 OF 2019**  
**(Sadhu K. Lohar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri H.A. Joshi, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 22.07.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 22.07.2019.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.430 OF 2019**  
**(Shri Ramesh R. Chavan V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri A.B. Rajkar, learned Advocate for the Applicant and Shri Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 17.06.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 17.06.2019.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.431 OF 2019**  
**(Ashabai M. Suradkar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 8.07.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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



6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 8.07.2019.

**CHAIRMAN**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.432 OF 2019  
(Dr. Kishor A. Deshmukh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 12.07.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.
8. Steno copy and Hamdast is allowed.
9. S.O. to 12.07.2019.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST.NO.972 OF 2019**  
**(Shri Namdeo S. Ghone V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 24.07.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 24.07.2019.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION ST.NO.973 OF 2019**  
**(Shri Bhagvat M. Choudhari V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 24.07.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Steno copy and Hamdast is allowed.

9. S.O. to 24.07.2019.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.425 OF 2019**  
**(Dr. Ratnakar D. Tandale V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Jayant S. Deshmukh, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Issue notice to the Respondents returnable on 20.06.2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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



6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Heard on the point of interim relief.

9. On what is shown by the Applicant the experience certificate relief upon by him, now (Page No.32) was not produced on 15.4.2019.

10. Steno copy and Hamdast is allowed.

11. S.O. to 20.06.2019.

**CHAIRMAN**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.360 OF 2019  
(Dr. Atul A. Deshmukh V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Ajay Deshpande, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Learned Advocate for the Applicant has circulated present O.A. on the ground that:-

(a) When this Tribunal had ordered when it was for 20.05.2019. 20.05.2019 happens to be Sunday and hence office has with leave of Hon'ble Chairman corrected the date to 20.06.2019.

(b) So far no sitting in vacation is announced for 20.05.2019 and tenure of applicant's appointment would come to an end on 23.05.2019.

3. In view of situation brought forward by learned Advocate for the Applicant, Original Application is taken up for hearing.

4. Heard on the point of interim relief.

5. Learned Advocate for the Applicant has emphasized following points:-

(a) Applicant may still stand a chance for selection since many candidates who have been selected did not join and his merit rank may improve.

- (b) Applicant's appointment was on the condition of bringing all paraphernalia as can be seen from office order, text whereof reads thus:-

“ नियुक्ती आदेश:-

उपरोक्त पत्रातील मार्गदर्शक सुचनाच्या अधिन राहून जिल्हा एकात्मिक आरोग्य व कुटुंब कल्याण सोसायटी मार्फत संदर्भान्वये खाली नमुद केल्याप्रमाणे आपल्या नावासमोर दर्शविलेल्या ठिकाणी व पदानुसार आयपीएचएस अंतर्गत जिल्हा एकात्मिक आरोग्य व कुटुंब कल्याण सोसायटीमार्फत खालील अटी व शर्तीच्या अधिन राहून “Dentist” या पदावर आपणास दि.०३.०१.२०१४ ते ३१ मार्च २०१४ पर्यंत नियुक्ती आदेश देण्यात येत आहे.

तेव्हा संबंधितांना आदेशीत करण्यात येते की, सदरील पदावर रूजू होण्यापूर्वी स्वतःची डेन्टल चेअर व साहित्य पदस्थापनेच्या ठिकाणी आणल्या नंतर नियुक्तीच्या ठिकाणी रूजू होऊन रूजू अहवाल या कार्यालयास सादर करावा. सदरील नेमूणक ही पुर्णतः कंत्राटी तत्वावर आहे. संबंधित उमेदवाराने नियमाप्रमाणे आवश्यक असणाऱ्या कागदपत्रांची पुर्तता केल्यानंतर संबंधित कार्यालय प्रमुख यांनी रूजू करून घ्यावे.”

(quoted from page no.13 of O.A.)

- (c) Applicant has averred in O.A. as follows:-

“The Applicant says that, he was lastly posted to work in Rural Hospital, Bidkin, Tq. Paithan, Dist. Aurangabad as Dental Surgeon. For ready reference, a copy of the initial order of appointment of the Applicant as well as the latest order of appointment is being placed on record at **Annexure “A-1” Colly**. It is worthwhile to note at this stage itself that in the advertisement published while making appointment of the petitioner, it was clearly stated that the selected candidate will have to make available entire dental set up including the chair and other instruments which are necessary for a Dental Surgeon. Accordingly, the petitioner has personally invested Rs.1,50,000/- towards the set up and instruments in Rural Hospital at Bidkin. There is absolutely no set up available than the one made available by the Applicant himself. As a result, upon termination of the services of the Applicant, he would obviously remove those

instruments and set up and it would not be possible for the incoming Dental Surgeon to effectively render services in absence of set up and instruments. Still however, notwithstanding the order of termination and his relieving pursuant thereto on 3.4.2019, he has so far not removed the instruments which he had installed and using for undertaking dental care.”

(quoted from page no.3 of the O.A.)

- (d) This for the present Applicant's appointment is a package.
- (e) Moreover, Applicant claims permanency in view of the judgment of Hon'ble High Court, Bombay (Nagpur Bench) in the case of Sachin Ambadas **Dawle & 90 Ors. Vs. State of Maharashtra & Anr. in W.P. No.2046/2010 decided on 19.10.2013.**

6. Points except point (b) of foregoing paragraph no.4 raised by Applicant would require detailed deliberation.
7. However, the point 4(b) requires immediate consideration.
8. If Applicant was called to work with his equipments and at own cost; though on remuneration his case stands on totally different plane.
9. State has not applied mind for creation/supply of infrastructure. Newly appointed candidate has no work to do without para medical infrastructure needed for dentistry.
10. It would be possible and convenient for the State to relocate the newly posted candidate at a place where infrastructure may be available.

11. Hence, for the present applicant has made out prima-facie strong case for grant of ad interim ex-parte relief for a direction that services of the Applicant should not be terminated till admission hearing of present O.A

12. Liberty to Respondents to move after filing reply.

13. Steno copy and Hamdast is allowed.

14. S.O. to 20.06.2019.

**CHAIRMAN**

SAS ORAL ORDER 16-05-2019

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.26 OF 2019**  
**(Shri Vinod S. Muley V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri M.B. Bharaswadkar, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O. for the Respondents, S.O. to 11.06.2019.

**CHAIRMAN**

SAS ORAL ORDER 16-05-2019

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO.433 OF 2019**  
**(Dr. Sunder V. Kulkarni V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri S.B. Patil, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the outset learned Advocate for the Applicant prays for leave to amend by way of substitution of O.A., since very important grounds which he wants to argue have escaped/ not pleaded.

3. Leave to amend by way of substitution is granted.

4. Learned Advocate undertakes to carry out the amendment within 10 days.

5. Issue notice to the Respondents returnable on 25.07.2019.

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

7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. 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 limitation and alternate remedy are kept open.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

11. Heard on the point of interim relief.

12. Applicant's candidature is declined for viva-voce.

13. Reason for rejection apparent from page nos.27 and 28 is "Not eligible as per criteria".

14. Benchmark fixed is 28 years and 5 months.

15. According to the Applicant:-

- (a) His experience as Civil Surgeon is of 18 years 2 months and 3 days and earlier experience as Medical Officer is of more than 10 years.
- (b) The Online application process did not provide for space for adding the experience as Medical Officer etc.



- (c) Applicant fulfills criteria laid down by the Recruitment Rules and advertisement.
- (d) M.P.S.C. has power to fix bench mark, however, this ought to have been done only after actual verification of credentials.
- (e) Whenever benchmark is fixed before verification of credentials watching actual experience, the ratio of 1:10 would get upset/violated sheerly due to negligence of M.P.S.C.
- (f) If one candidate is found deficient in eligibility MPSC would be within its power to proceed, however, fairness towards a candidate who could have enter the field of competition gets an unfair treatment of denial of equal and fair opportunity of consideration and this violates Constitutional guarantee of Articles 14 and 16 of Constitution of India.

16. Applicant's case when seen from points stated in para nos.15(d), 15 (e) and 15 (f) narrated in foregoing paragraph, goes to the root of the case.

17. Hence, applicant has made out a case for grant of interim relief for a direction that the applicant be interviewed his credentials be scrutinized, and entire results should not be declared till admission hearing of present O.A.

18. S.O. to 25.07.2019.

19. Steno copy and Hamdast is allowed. P.O. is directed to communicate this order telephonically, on E-mail and by every possible method.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**M.A.No.455 OF 2018 IN O.A.ST.NO.1809 OF 2018**  
**(Shri Krishna B. Joshi V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Suresh D. Dhongde, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of the learned C.P.O. for the Respondents, S.O. to 12.06.2019.

**CHAIRMAN**

SAS ORAL ORDER 16-05-2019

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.689 OF 2017  
(Subject:-Selection)**

**DISTRICT : BEED**

**Babasaheb S/o Navnath Andhale,** )  
Age: 26 years, Occu:Nil, )  
R/o Malegaon, Tal. Shirur (Kasar), )  
District Beed. )...**Applicant**

**V E R S U S**

1. **State of Maharashtra,** )  
Through its Principal Secretary, )  
Women and Child Development, )  
Department, Mantralaya, Mumbai-32. )
2. **The Commissioner,** )  
Women and Child Development, )  
Maharashtra State, Pune. )
3. **Sandeep S/o Chandrakant Vighne,** )  
Age 28 years, Occu. Agril., )  
R/o Anandgaon, Tal. Shirur (Kasar), )  
District Beed. )...**Respondents**

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**APPEARANCE :** Shri R.D. Khadap, learned Advocate for the  
Applicant.

Sm. Sanjivani K. Deshmukh-Ghate, learned  
Presenting Officer for the Respondents.

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**CORAM :** **JUSTICE A.H. JOSHI, CHAIRMAN**

**DATE :** **16.05.2019**  
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**ORAL ORDER :**

Heard Shri R.D. Khadap, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Original Application is disposed of as the purpose of filing of Original Application is served.

**CHAIRMAN**

SAS ORAL ORDER 16-05-2019

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**  
**ORIGINAL APPLICATION NO.395/2019**  
**(Ramdas Eknath Misal V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri D.R.Irale Patil learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. Learned Advocate for applicant prays for leave to amend for incorporating averments and prayers for release of pension.

3. Leave to amend as prayed is granted.

4. Learned Advocate for the applicant undertakes to carry out amendment within 2 weeks.

5. In the meantime, learned P.O. shall secure instructions as to date of hearing of appeal.

6. After amendment is carried out issue fresh notice to the respondents, returnable on 03-07-2019.

7. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

8. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that

the case would be taken up for final disposal at the stage of admission hearing.

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

10. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

11. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

12. S.O. to 03.07.2019.

13. Steno copy and hamdast is allowed for the use of both sides.

**CHAIRMAN**

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO.247/2019  
(Dr. Mohammad Fazlul Haq V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri Asfi Ali learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent no.8. It is taken on record. Copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 03-06-2019.

3. S.O. to 03-06-2019.

**CHAIRMAN**

YUK ORAL ORDERS 16-05-2019 AHJ

**FARAD CONTINUATION SHEET**  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**O.A.NO.423/2019 & 424/2019**

**(Dr. Hanumant s/o. Dnyanoba Parkhe & Dr. Vijay Shripad Dhawale**  
**V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh learned Advocate for the applicants and Shri M.S.Mahajan learned Chief Presenting Officer and Smt. Sanjivani Ghate learned Presenting for the respondents in respective cases.

2. Issue notice to the respondents, returnable on 20-06-2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and



produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Heard on the point of interim relief.

9. Applicants have urged that they did not receive communication on SMS for interview on 15-04-2019. It is alleged that SMS were received by the candidates who were to be interviewed on 16-04-2019.

10. They also claim that any alert to the candidates of flashing of the notification of interview due on 15<sup>th</sup> and 16<sup>th</sup> April was not provided. Any such general intimation could have enabled the candidates to visit the website of MPSC.

11. Hence, the applicants have prima facie made out a case to demonstrate that they were denied opportunity of offering their candidature.

12. Applicant in O.A.No.425/2019 has shown that one post reserved for NT(A) was transferred to NT of either sub categories. Hence, he stood chance for consideration including in open competition.

13. Hence, applicants have made out case for grant of some interim protection.

14. In this situation, it shall be just and proper to direct the State to keep one post in DNT/NT and one post in Open Category vacant in case list of merit/selection is received from MPSC and the posts are to be filled in.

15. S.O. to 20.06.2019.

16. Steno copy and hamdast is allowed for the use of both sides.

**CHAIRMAN**

YUK ORAL ORDERS 16-05-2019 AHJ

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**C.P.NO.17/2019 IN O.A.NO.735/2017  
(Rita Prabhakar Metrewar V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri A.B.Jagtap learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Learned P.O. files affidavit of respondent no.1. It is taken on record. Copy thereof has been served on the other side.
3. By consent of the parties, S.O. to 01-07-2019.

**CHAIRMAN**

YUK ORAL ORDERS 16-05-2019 AHJ

**FARAD CONTINUATION SHEET  
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
AURANGABAD BENCH, AURANGABAD**

**M.A.NO.46/2019 IN O.A.ST.NO.113/2019**

**M.A.NO.75/2019 IN O.A.ST.NO.361/2019 AND**

**M.A.NO.76/2019 IN O.A.ST.NO.359/2019**

**District- Dhule**

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**M.A.NO.46/2019 IN O.A.ST.NO.113/2019**

Gajanan Shital Chatre,  
Age : 53 years, Occ : Service as Talathi,  
R/o. 94, Bhagwan Jagannath Nagar,  
Gat No.418, Shivaji Nagar, Jalgaon

**M.A.NO.75/2019 IN O.A.ST.NO.361/2019 AND**

Nana Kashiram Marsale,  
Age : 49 years, Occ :  
R/o. Gandai Colony, Sakhali Road,  
Behind Sichav Bhavan.

**M.A.NO.76/2019 IN O.A.ST.NO.359/2019**

Anilkumar Tulsiram Mali,  
Age : Major, Occ : Service,  
R/o. Station Bhag, Opposite the Wash Co-operative Bank,  
Dondaicha, Tq. Shindkheda, Dist. Dhule.

...APPLICANTS

V/s.

1. The State of Maharashtra,  
Through Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai-32.
2. The Collector Dhule,  
Collector Office, Dhule.
3. The Collector Jalgaon  
Collector Office, Jalgaon.

...RESPONDENTS

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**

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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

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M.A.NO.46/2019 IN O.A.ST.NO.113/2019  
M.A.NO.75/2019 IN O.A.ST.NO.361/2019 AND  
M.A.NO.76/2019 IN O.A.ST.NO.359/2019

**ORAL ORDER :**

Heard Shri S.D.Dhongde learned Advocate for the applicants and Smt. Sanjivani Gahte learned Presenting Officer for the respondents in respective matters.

2. Applicants have explained the delay and also relied on the judgment of Hon'ble High Court in Writ Petition No.10513/2015.

3. Facts of the present case and those in Writ Petition No.10513/2015 are book picture facts.

4. Hence, applicants have made out case for condonation of delay. Moreover, cause of action is recurrent and the occasion to count total service is of such nature that said cause does not perish.

5. Hence, delay of 17 years caused in filing the O.A. is condoned.

6. M.As. are allowed and disposed of accordingly without any order as to costs.

7. O.As. be registered and numbered after removal of office objections, if any.

**CHAIRMAN**

***FARAD CONTINUATION SHEET***  
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**AURANGABAD BENCH, AURANGABAD**

**O.A.ST.NO.113/2019, O.A.ST.NO.361/2019 AND  
O.A.ST.NO.359/2019**

**(Shri Gajanan Shital Chatre & Ors.  
V/s. State of Maharashtra & Ors.)**

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**OFFICE ORDER**

**TRIBUNAL'S ORDERS**  
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**CORAM : JUSTICE A.H.JOSHI, CHAIRMAN**

**DATE : 16.05.2019**

**ORAL ORDER :**

Heard Shri S.D.Dhongde learned Advocate for the applicants and Smt. Sanjivani Gahte learned Presenting Officer for the respondents in respective matters.

2. Issue notice to the respondents, returnable on 20-06-2019.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

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

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

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6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. Interim relief granted earlier to continue until further orders.

9. S.O. to 20.06.2019.

10. Steno copy and hamdast allowed for the use of both the sides.

**CHAIRMAN**

YUK ORAL ORDERS 16-05-2019 AHJ