

**ORIGINAL APPLICATION NO. 728 OF 2016**

{Smt. Sushma E. Chaudhari & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. Heard Shri S.S. Jadhavar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. This O.A. has been filed by the three applicants, who belong to O.B.C. category. The applicant nos. 1 & 2 have claimed that they have applied for participation in the Maharashtra Civil Services Main Examination – 2016 from Open Female category having paid full fees for Open category. The applicant no. 3 is claiming horizontal reservation of Sportsman and also claiming post from Open category. It is the contention of the learned Advocate for the applicants that the res. no. 2 – the M.P.S.C. – had declared the result of the preliminary examination and though these three applicants have secured more marks than the cut off marks for Open Female / Open Sports categories candidate, is not allowing the applicants for appearing Maharashtra Civil Services Main Examination – 2016.

3. The learned Advocate for the applicant stated that in the **W.P. no. 12032/2015 {KUM. KIRAN S. TIDKE VS. THE STATE OF MAHARASHTRA & ORS}**, which has been transferred to this Tribunal and renumbered as T.A. no. 2/2016, Hon'ble Bombay High Court, Bench at Aurangabad has granted interim relief to the petitioner therein, who belongs to N.T.-D category and who had paid full fees as for Open candidate, was provisionally allowed to appear for the main examination of Maharashtra Engineering Services, 2016, subject to final decision in the said W.P. / T.A.

4. The learned Advocate for the applicant contented that the said T.A. is still pending before this Tribunal and the issue involved therein is not yet finally decided. He prayed that this Tribunal may grant similar relief to the applicants in the present O.A. no. 728/2016.

5. The learned Advocate for the applicants further stated that the applicants in the present case are similarly situated persons like the petitioner in the aforesaid W.P. / T.A. and hence, they are also eligible for grant of interim relief.

6. The learned C.P.O. opposed the prayer for grant of interim relief in favour of the applicants and stated that the applicants in the present case are from O.B.C. category and they can be considered from that category only and not for the posts horizontally reserved from Open category.

7. Considering the fact that Hon'ble High Court granted interim relief to the similarly situated candidates and that issue is yet to be decided by this Tribunal and, in our opinion, in the present matter the balance of convenience is in favour of the applicants herein, we hold that they are also entitled for grant of interim relief, subject to the final decision of this Tribunal in this O.A..

8. Thus, the res. no. 2 – the M.P.S.C. – is hereby directed to allow the applicants in the present matter to appear for the Maharashtra Civil Services Main Examination – 2016 scheduled on 24<sup>th</sup>, 25<sup>th</sup> & 26<sup>th</sup> September, 2016.

9. After valuation of the answer sheets of the applicants of the main examination, the result thereof shall be kept in a sealed envelope, subject to further orders of this Tribunal.

10. As was ordered by Hon'ble High Court in the W.P., we also make it clear that the interim relief granted to the applicants in the present matter is without prejudice to the contentions of the respondents on merits of the matter. We further observe that the applicants shall not claim any equity on the basis of this interim relief granted to them today.

11. As the time is very short, the learned C.P.O. is directed to communicate this order to res. no. 2 – the M.P.S.C. – forthwith by any fastest mode viz. E.mail, fax etc. and ensure that the present applicants are allowed to appear for the main examination.

12. Steno copy be provided to the applicants, who may produce the same before the concerned authority of the M.P.S.C. with a view to allow them to appear for the main examination.

13. S.O. to 21.10.2016.

**MEMBER (J)**

ARJ 21.09.2016 (D.B.)

**VICE CHAIRMAN (A)**

**ORIGINAL APPLICATION NO. 309 OF 2012**

{Shri Vinayqak U. Banchod & Ors. Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. Heard Shri D.A. Karnik, learned Advocate holding for Shri Vivek Dhate, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, the matter be placed on board in due course before the next D.B., whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 305 OF 2012**

{Chetan N. Adkatalwar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**TA 3/2016 (WP 12032/15) WITH  
O.A. NO. 232/16  
T.A.2/2016 (W.P. 12209/15)**

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. Heard S/shri S.S. Jadhavar & R.D. Khadap holding for S.S. Thombre, learned Advocates for the applicants in respective matters, Shri M.S. Mahajan, learned Chief Presenting Officer for res. no. 1 and Shri M.B. Kolpe, learned Advocate for respondent no. 2 in all these matters.
2. In the M.A. no. 127/2016 directions are given by Hon'ble Chairman to amend the T.A. no. 3/2016.
3. Today, the learned Advocate for the applicant seeks time to amend the T.A. suitably. Time granted.
4. S.O. to 21.10.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**O.A. NOS. 292, 293, 294, 295, 296 & 321 ALL OF 2012**

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. Heard Shri Milind Patil, learned Advocate for the applicants in all these matters, and Shri M.S. Mahajan, learned Chief Presenting Officer & Shri S.K. Shirse, learned Presenting Officer for the respondents in all these matters.
2. At the request of learned Advocate for the applicants, these matters be placed on board in due course before the next D.B., whenever it is available.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)



**ORIGINAL APPLICATION NO. 297 OF 2012**

{Shri P.G. Bhagwat Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. This original application has been filed by the applicant challenging his suspension order dated 18.4.2012. The learned Advocate for the applicant places on record a copy of the letter dated 10.7.2012 issued by the Planning Department of Govt. of Maharashtra mentioning therein that the applicant has been reinstated in service. The applicant has since retired from Govt. service on superannuation.
3. In view of above, it seems that, the purpose of filing the original application is served and cause of action no longer survives.
4. Accordingly, the original application stands disposed of. There shall be no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORIGINAL APPLICATION NO. 342 OF 2012**

{Shri Balkrishna R. Bondar Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 346 OF 2012**

{Shri Suresh J. Pardeshi Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 350 OF 2012**

{Mr. Shriram E. Bhombe & Ors. Vs. State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 351 OF 2012**

{Dr. Shri V.L. Paratwagh Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondent nos. 1 & 2, is present. None appears for respondent no. 3.

2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 402 OF 2012**

{Shri Vinod R. Dandge Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 413 OF 2012**

{Shri Deorao S. Bhokare Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.
2. As applicant and his learned Advocate are absent, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)

**ORIGINAL APPLICATION NO. 422 OF 2012**

{Shri Sandeep V. Jadhav Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. None appears for the applicant. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.
2. As none appears for the applicant, the matter may be kept for dismissal on 23.9.2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

ARJ 21.09.2016 (D.B.)



**ORIGINAL APPLICATION NO. 431 OF 2012**

{Shri Mahesh V. Patil Vs. The State of Mah. & Ors.}

**CORAM :- Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
A N D  
Hon'ble Shri J. D. Kulkarni, Member (J)**

**DATE :- 21.09.2016**

**Oral Order :-**

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar,
  
2. The learned Advocate for the applicant states that, as per the instructions of the applicant, the misc. application was filed to add some respondents, which was allowed by this Tribunal and the O.A. was accordingly amended. The notices were also issued to the added respondents, however, the applicant has not contacted the learned Advocate, after January, 2016 and in absence of any instructions from the applicant, it is not possible to proceed further in the matter.
  
3. On last occasion, the matter was before the then Vice Chairman Hon'ble Shri Justice S.P. Davare, in the absence of Division Bench, on 21.3.2016 and this fact was also stated by the learned Advocate for the applicant. Thereafter also the learned Advocate for the applicant tried to take

instructions from the applicant, but the applicant has not made any efforts to prosecute the matter.

4. Today, the learned Advocate for the applicant has stated that, he has not received any instructions from the applicant till this date and, therefore, it is highly impossible for him to proceed further in the matter.

5. In view of above, it can be presumed that, the applicant is not interested in prosecuting the matter. Hence, the original application stands dismissed for want of prosecution by the applicant. There shall be no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**M.A.446/12 IN C.P.ST.1507/12 IN O.A.239/98 & O.A. No.11/03**

**[P.A. Landge Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, this case be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**M.A.393/14 IN C.P.ST.1398/14 IN O.A.610/09**

**[S.V. Navthar Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, this case be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**M.A.220/15 IN O.A. ST. No.492/15**

**[D.B. Nangara Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Shri K.G. Salunke, learned Advocate for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents, present.

2. Since none appears for the applicant, this case be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**M.A.330/15 IN C.P.ST.1146/15 IN O.A.511/15**

**[Dr. R.J. Dhapte Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, this case be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**M.A.331/15 IN C.P.ST.1148/15 IN O.A.510/13**

**[Dr. S.D. Londhe Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, this case be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**M.A.332/15 IN C.P.ST.1144/15 IN O.A.516/13**

**[Dr. A.S. Dhus Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the Applicant, this case be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc



**ORIGINAL APPLICATION NO. 380 OF 2014 (A)**

**[Mohd. Saleem S/o Mohd.Kasim Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri S.A. Deshmukh, learned Advocate holding for Shri M.D. Godhamgaonkar, learned Advocate for the Applicant and Shri V.R. Bhumkar – learned Presenting Officer for the respondents.

2. The present O.A. be placed before the next Division Bench, as and when it is available.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**T.A.NO.04/2016 (W.P.NO. 3181/2015)**

**[Sandip M.Sherkar Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri S.S. Jadhavar, learned Advocate for the Applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. At the request and by consent of both the parties, S.O. to 23<sup>rd</sup> September, 2016.

**MEMBER (J) VICE CHAIRMAN (A)**

21.09.2016-HDD(DB).doc

**O.A.NO. 04/2015 WITH M.A.NO. 17/2016**

**[Dr. Prithviraj G. Rathod Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
Hon'ble Shri J.D. Kulkarni, Member (J)**

**DATE : 21.09. 2016.**

**ORAL ORDER:**

Heard Shri R.P. Bhumkar – learned Advocate for the Applicant and Shri M.P. Gude – learned Presenting Officer for the respondents.

2. This matter was heard for quite sometime. It appears that the claim of the Applicant is that the recruitment rules framed for appointment to the post equivalent to the post of Medical Superintendent, in Maharashtra Medical Insurance Scheme, Class-I (Administrative) are discriminatory. Employees' State Insurance Scheme (ESIS) is now under the Health Department of the State Government and its employees are required to be treated in a manner similar to the employees under the Directorate of Health Services. Learned Advocate for the Applicant claimed that for class-I posts in Maharashtra Medical Insurance Scheme, Class-I, the same Recruitment Rules as applicable to Class-I posts under Directorate of Health Services should be applied.

3. Learned Presenting Officer strongly opposes the contention of Learned Advocate for the Applicant and states that these Rules viz. Maharashtra Medical Insurance Scheme, Class-I Rules are

still in operation even after ESIS Scheme was brought under the Health Department.

4. Learned Advocate for the Applicant sought leave of this Tribunal to amend the O.A. No. 04/2015 to enable the Applicant to challenge the recruitment rules of ESIS, which is now functioning under the Health Department. It may be noted that earlier ESIS was working under the Medical Education and Drugs Department.

5. Leave to amend the O.A. is granted.

6. The learned Advocate for the Applicant submits that he will amend the O.A. within a period of four weeks and he will serve the amended copy of the O.A. on the respondents.

7. S.O. for four weeks.

**MEMBER (J) VICE CHAIRMAN (A)**

**ORIGINAL APPLICATION NO.459/2012**

(S.V. Rao Ayyangari V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)  
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 21-09-2016

**ORAL ORDER:-**

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents.

2. Shri A.S.Deshmukh learned Advocate has placed on record a copy of order dated 3<sup>rd</sup> March, 2015 issued by Water Conservation Department, Maharashtra State. Applicant wanted posting in Aurangabad region and his request has been considered favorably by the Government. His name is there at Sr. No.4 in the aforesaid order.

3. As the grievance of the applicant no longer survives, nothing survives in the O.A. It is disposed of accordingly with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

**ORIGINAL APPLICATION NO.469/2012**

(D.K.Deshmukh V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)  
Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 21-09-2016

**ORAL ORDER:-**

Shri V.D.Salunke learned Advocate for the applicant is **absent**. Shri D.R.Patil learned Presenting Officer for respondents is present.

2. None is present for the applicant. Hence, case be kept for dismissal on Friday i.e. 23-09-2016 for non-prosecution.

3. S.O. 23-09-2016.

**MEMBER (J)**

**VICE CHAIRMAN (A)**

YUK oral order 21-09-2016

ORIGINAL APPLICATION NO.272/2012.

(Balaji Sayanna Shankarwar Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

Heard Shri V. V. Deshmukh, learned Advocate for the Applicant, Shri MS Mahajan, learned Chief Presenting Officer for the Respondents nos. 1 to 4 and Shri AS Deshmukh, learned Advocate for the Respondent no.5.

2. Learned Advocate for the applicant states that, the Respondent no.5 has superannuated during the pendency of this O.A. and therefore, this O.A. has become infructuous. In view of the submission made by the learned Advocate for the Respondent no.5 this OA is disposed of accordingly with no order as to costs.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.277/2012.

(SR Kadam Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

Heard Shri Dhobale, learned Advocate holding for Shri JB Choudhary, learned Advocate for the Applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.

2. The matter be kept for final hearing, as and when the Division Bench is available.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)



ORIGINAL APPLICATION NO.278/2012.

(PD Bhadane Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

Heard Shri Dhobale, learned Advocate holding for Shri JB Choudhary, learned Advocate for the Applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. The matter be kept for final hearing, as and when the Division Bench is available.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION No.275/2012.

(P.D. Bhosle Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

None appears for the Applicant. Smt SK Ghat  
Deshmukh, learned Presenting Officer for the Respondents.

2. The matter be kept for dismissal on 23.09.2016.
3. S.O. to 23.09.2016.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.286/2012.

( A. R. Jadhav & another Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

Shri Ajay Deshpande, learned Advocate for the Applicant has filed leave note. Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. In view of the leave note filed by the learned Advocate for the Applicants, the matter be kept for final hearing, as and when the Division Bench is available.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.100/2012.

(Dr. Meena R. Sawate Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

Heard Shri Gajanan Kadam, learned Advocate holding for Smt Sheela Kadam, for the Applicant, Shri V. R. Bhumkar, learned Presenting Officer for the Respondents no.1 & 2 and Smt. Thube-Mhase learned Advocate for the Respondent no.5. None present for the Respondent no.3.

2. Learned Advocate for the applicant files a compilation which contains information accessed by some third person regarding work experience of the Respondent no.5, which has been obtained under the Right to Information act from the Central Council of Indian Medicine New Delhi. This Council gives recognition to all the Medical Colleges in the system of Indian Medicine and the information regarding the staff working in these Institutions from time to time. The learned Advocate for the applicant stated that, this information given to one Dr. Rekha Rohan Khade on 13.06.2012 discloses that the Respondent no.5 was not in the list of staff members of Gajanan Maharaj Ayurvedic College, Pusad from Jan. 07 to Jan. 08. In the application form submitted by her to MPSC for selection to the post of Lecturer in Dravyagun, she had claimed that she was working in the aforesaid Institution during that period.

-2- ORIGINAL APPLICATION NO.100/2012.

3. Learned Advocate for the Respondent no.5 seeks time to reply the issue raised by learned Advocate for the Applicant in this regard. Time granted. The learned Advocate for the Respondent no.5 may file affidavit within four weeks.

4. S.O. after four weeks.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)

ORIGINAL APPLICATION NO.258/2012.

( Dr. Vishal R. Jasuja & Ors. Vs. State of Mah. & Ors.)

CORAM : HONBLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
&  
HONBLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 21.09.2016.

ORAL ORDER:-

None appears for the Applicants. Heard Smt P. R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. Applicant has raised two important issues in this O.A. viz.

(i) M. P. S. C. while calling the candidates for interview have counted the marks in 3<sup>rd</sup> MBBS. The Applicant's claim that if average of three years of MBBS is counted, they were qualified to be called for interview based on the short listing criteria fixed by M.P.S.C.

(ii) The applicant in this OA has also alleged in para no.10 that one Smt. Anjali Krishna Prasad who did not have M.D. qualification, was called for interview. About this no information is forthcoming from the M.P.S.C., whether said Anjali Krishna Prasad had M.D. or not when she was called for interview and whether she was selected or not.

3. Learned P. O. stated that she will file affidavit within a period of four weeks clarifying these issues.

4. S.O. after four weeks.

MEMBER (J)  
21.09.2016-ATP (DB)

VICE CHAIRMAN (A)