

**O.A. No. 345/2018**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri P. Gabhane, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

The Ld. P.O. submitted reply of R. 2 and 3, it is taken on record.

Matter is admitted for hearing.

Shri H.K. Pande, the learned P.O. waives notice for the respondents.

**S.O. 17.12.2018.**

Member (J)

Dt. 10.12.2018.

pdg.

O.A. No. 373/2018

(S.B.)

**Coram: Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri P.J. Mehta, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

Matter is admitted for final hearing in due course.

Shri H.K. Pande, the learned P.O. waives notice for the respondents.

S.O. **in due course.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 497/2018**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri T.U. Tathod, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. Shri S.N. Gaikwad, Adv. for R.4.

It is submitted that the applicant is ready to join and is complying the transfer order, provided his outstanding salary be paid to him and liberty be given to challenge rest of the claim by filing separate O.A. In view of the submission, the applicant may join at the transferred station, the respondents to pay outstanding salary of the applicant within a period of two months from the date of this order. The applicant is at liberty to file separate O.A. This O.A. stands disposed of with no order as to costs.

Member (J)

Dt. 10.12.2018.

pdg.

O.A. No. 568/2018

(S.B.)

**Coram:Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri S.A. Chaudhari, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O. requested three weeks' time to file reply. Granted.

S.O. **after vacation.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 628/2018**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri G.K. Bhusari, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1. Shri S.N. Gaikwad, Adv. for R.2.

Ld. P.O. is directed to submit his reply to the amended application.

**S.O. next week.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 656/2018**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri D.R. Rupnarayan, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The learned counsel for the applicant has submitted pursis on 6.12.2018 and informed this Tribunal that suspension is now revoked. Therefore, the applicant is intending to withdraw the O.A. O.A. stands disposed of as withdrawn.

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. (St.) No. 734/2018 (S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

**C.A. 115/2018.**

Heard Shri S.I. Khan, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

2. I have perused the copy of order in W.P. No. 695/2016 decided on 12.2.2018. In the identical matter, recovery was challenged. Retired personnel of Police Department challenged that recovery and in that matter, reliance was placed on the earlier judgment delivered by the Division Bench in W.P. No. 5363/2016 on 18.7.2017 and relief was granted. As the case of the applicant is also covered by both the judgments, on the ground of parity, he is also entitled

for the relief and in view of this matter, delay is condoned. C.A. stands disposed of.

**O.A. (St.) No. 734/2018**

2. Issue notice to remaining respondents returnable in four weeks.

3. Shri S.A. Sainis, the .P.O. waives notice for R-1. Hamdast allowed.

3-A. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. **four weeks.**

Member (J)

Dt. **10**.12.2018.

pdg.

**O.A. No. 767/2018**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri N.S. Bhelkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned P.O. has requested for time to file reply. Granted.

**S.O. after vacation.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 827/2018**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri S.A. Chaudhari, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The learned P.O. has requested for time to file reply. Granted.

**S.O. after vacation.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 866/2018**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri K.J. Khanorkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned P.O. has requested for time to file reply. Granted.

**S.O. four weeks.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 869/2018**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned P.O. has requested for time to file reply. Granted.

**S.O. after vacation.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 679/2018**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The learned counsel for the applicant requested for time to file rejoinder.

S.O. three weeks.

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 740/2018**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri S.M. Khan, the learned counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

Ld. P.O. requested for two weeks' time to file reply. Granted.

S.O. after vacation.

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 741/2018**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri Vishal Anand, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Matter is admitted for final hearing in due course.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

Member (J)

Dt. 10.12.2018.

pdg.



**O.A. No. 742/2018**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri Vishal Anand, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Matter is admitted for final hearing in due course.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

Member (J)

Dt. 10.12.2018.

pdg.

O.A. No. 895/2018

(S.B.)

**Coram: Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri S.K. Thengri, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Ld. P.O. requested for time to file reply.

S.O. **two weeks** for filing reply.

Member (J)

Dt. 10.12.2018.

pdg.

O.A. No. 460/2015

(S.B.)

**Coram: Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Applicant and his counsel are absent. Heard Shri M.I. Khan, the learned P.O. for the respondents.

S.O. **after vacation.**

Member (J)

Dt. 10.12.2018.

pdg.

**O.A. No. 591/2015**

**(S.B.)**

**Coram:Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri D.B. Walthare, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Closed for orders.

Member (J)

Dt. 10.12.2018.

pdg.

O.A. No. 674/2016

(S.B.)

**Coram:Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri N.D. Thombre, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. **11.12.2018.**

Member (J)

Dt. **10**.12.2018.

pdg.

**O.A. No. 807/2016**

**(S.B.)**

**Coram: Shri A.D. Karanjkar,**  
**Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. submitted that as directed by this Tribunal, he called original record of departmental enquiry and some time is required to examine the same.

**S.O. one week.**

Member (J)

Dt. 10.12.2018.

pdg.

O.A. No. 927/2017

(S.B.)

**Coram: Shri A.D. Karanjkar,  
Member (J)**

**Dated : 10<sup>th</sup> December 2018.**

Heard Shri P.P. Kotwal, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. **after vacation.**

To be treated as part heard.

Member (J)

Dt. **10**.12.2018.

pdg.

O.A.No. 274/2018. (D.B.)

**Coram: Shri Shree Bhagwan,**  
**Member (A) and**  
**Shri A.D.Karanjkar, Member(J)**  
**Dated : 10<sup>th</sup> December 2018.**

Shri N.R.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. counsel for the applicant filed Rejoinder. It is taken on record. Copy is served to the other side.

The affidavit-in-reply has already been filed. In view of this, matter is **admitted** and kept for final hearing.

The Id. P.O. waives notice for the respondents.

**S.O. After Winter Vacation.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**



O.A.Nos. 585 & 586/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri S.A.Marathe, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. counsel for the respondent no. 4 in O.A.No.585/2018.

The Id. P.O. seeks two weeks time to file reply. At his request, **S.O. two weeks.**

**Member(J)  
Date:-10/12/2018.  
aps.**

**Member(A)**

O.A.No. 612/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri N.D.Thombre, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

The Id. counsel for the applicant is pleaded that the issue is related to the selection process. The applicant is only candidate and post is lying vacant. However, the Id. P.O. is yet to file reply. Two weeks time is given.

If reply is not file within two weeks the matter will be heard on merits.

**S.O. two weeks (04/01/2019).**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

**O.A.No. 618/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri N.D.Thombre, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. counsel for the applicant is pleaded that the issue is related to the selection process. The applicant is only candidate and post is lying vacant. However, the Id. P.O. is yet to file reply. Two weeks time is given.

If reply is not file within two weeks the matter will be heard on merits.

**S.O. two weeks (04/01/2019).**

**Member(J)  
Date:-10/12/2018.  
aps.**

**Member(A)**

**O.A.No. 453/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 10<sup>th</sup> December 2018.**

Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

The Id. P.O. has submitted one document on record bearing number 11728&35@2&c] fnukd 16@10@2018] by which it appears that the grievances of the applicant has been redressed. The Id. counsel for the applicant has also agreed that now there is no grievance of the applicant.

In view of the above, the O.A. become infructuous and disposed of with no order as to costs.

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

**O.A.No. 965/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

**C.A.No.375/2018:-**

Shri T.Deshpande, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The Id. counsel for the applicant has challenged the seniority list, which has been prepared as per the notification number 8(b)ii, dated 02/08/2018. The applicants who were affected, they have approached to the CCF (Gadchiroli), vide impugned order dated 29/10/2018 (Annexure-A-7), the applicants are signed.

3. The respondents are directed to decide their representations before finalization of seniority list and DPC for the post from Class-IV to Steno-Typist. Meanwhile, issue notices to the respondents. **C.A. No. 375/2018 i.e. for Jt. O.A. is allowed.**

4. The Id. counsel for the applicant has placed reliance on Hon'ble Supreme Court Judgment which is marked Exh-X for the purpose of identification. The same is taken

on record and the same is supplied to the other side.

5. The Id. P.O. has also submitted Hon'ble Supreme Court Judgment. It is marked Exh-X1 for the purpose of identification. The same is supplied to the other side.

6. Issue notice to R-2, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is 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 acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. **S.O. four weeks.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

**O.A.No. 309/2017. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 10<sup>th</sup> December 2018.**

Shri S.A.Pathak, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 5. The same is taken on record. Copy is served to the other side.

The Id. counsel for the applicant has invited our attention at P.B., Pg. No. 58, order of Collector, Wardha dated 10/03/2017. In this order condonation of delay has not been allowed and appeal has been rejected.

Though, the Id. P.O. has protested. However in the interest of justice, Tribunal feels that the delay should be condoned. We have perused the order given by the Collector, Wardha at P.B., Pg. No. 57 and 58 (both inclusive). The order is very cryptic, no explicit reason is mentioned regarding issue of rejecting condonation of delay. The applicant was bedridden, that point should have been considered.



In view of this, this Tribunal feels that condonation of delay should be allowed and delay in filing appeal should be condoned. The Collector, Wardha shall decide the appeal **within two months from the date of this order.**

**With the above directions, the O.A. is disposed of with no order as to costs.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

**O.A.No. 396/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri N.D.Thombre, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 4 and

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 5. The same is taken on record. Copy is served to the other side.

The Id. counsel for the applicant has invited our attention at P.B., Pg. No. 58, order of Collector, Wardha dated 10/03/2017. In this order condonation of delay has not been allowed and appeal has been rejected.

In view of this, the Id. P.O. is directed to take reply of respondent no. 3 within two weeks time. Meanwhile, the Id. P.O. will also supply the reply to the Id. counsel for the applicant and he may file rejoinder, if any.

**S.O. two weeks.**

**Member(J)**

**Date:-10/12/2018.**

aps.

**O.A.No. 688/2017.**

**Member(A)**

**(D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated: 10<sup>th</sup> December 2018.**

Shri Sunil Pande holding for Shri S.A.Marathe, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 7.

At the request of Id. Counsel for the applicant, **S.O. After Winter Vacation.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

O.A.No. 172/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri Sunil Pande holding for Shri S.A.Marathe, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. After Winter Vacation.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

**O.A.No. 448/2014. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri G.G.Bade, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent nos. 5 to 23.

The Id. P.O. submits that as per the order dated 29/10/2018, it was directed that he will ascertain about the promotion of the applicant. He submits that the applicant is not promoted till now. This is the case of promotion of "Talathi" to "Circle Inspector". Alongwith the O.A., seniority list of Talathi filed on 01/01/2011 at P.B., Pg. No. 108. The applicant's name was appeared and he is at Sr. Nos. 123. The applicant has also appealed to the Divisional Commissioner, Nagpur vide his representation dated 24/07/2012 which has been decided by the Divisional Commissioner on 05/10/2013 and his appeal has been rejected by the Divisional Commissioner. The age of applicant is 45 yrs. and he has been given exemption on 01/07/2010. Now, the question remains that any candidate who passed the examination after 01/07/2010 or any candidate who attend the age of 45 and

was given exemption after 01/07/2010 have been promoted before the applicant.

The above points need to be clarified by the Id. Counsel for the applicant. **S.O. three weeks.**

**To be treated as P.H.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

O.A.No. 243/2012. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Leave note of Id. counsel for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondents.

The Id. P.O. needs time to get certain instructions. **S.O. one week.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

O.A.No. 396/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri N.D.Thombre, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 4 and Shri M.V.Joshi, the Id. Counsel for the respondent no. 5.

At the request of Id. P.O., **S.O.**  
**12/12/2018.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**



O.A.No. 407/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. two weeks for Rejoinder.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**

O.A.No. 614/2015. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 10<sup>th</sup> December 2018.**

Shri S.M.Khan, the Id. counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 4 and Shri G.S.Sengar, the Id. Counsel for the respondent no. 7. None for the respondent nos. 5, 6 & 8.

The Id. Counsel for the applicant claims selection to be done by the M.P.S.C. under open female category for the applicant. As per the advertisement No. 89/2013 of M.P.S.C. for various posts. As per the advertisement following posts are to be filed:-

	vjk[ A ins	v- tk	v- t-	HA-t- ¼c½	fo- ek -iz	HA- t- ¼d ½	HA- t- ¼M½	b- ek- o
2	9+4	2+	1+	1	1	1	1	3+
6	*+1	1*	1					2*
+ 6		+2						+2

The applicant application is at Annexure-A-3, Pg. No. 17 of P.B. in which:-

1. In Category column - She has mentioned OBC,
2. In Non-Creamy layer Column - She has mentioned - No.
3. In Gender Column- She has mentioned- Female.
4. In Exam fees Column - She has paid Rs. 415 (which is prescribed by M.P.S.C. for open category candidates).

Based on these facts, the Id. Counsel claims that his applicant should have been considered under open female category.

However, Hon'ble Apex Court in Judgment in **Anil Kumar Gupta Vs. State of U.P. reported in (1995) 5 SCC 173**, the State ought to have provided reservation for women in particular vertical reservation category.

The Hon'ble High Court of Bombay bench at Aurangabad in writ petition no. 10103/2015 in **Ms. Rajani D/o Shailesh Kumar Khobragade Vs. State of Maharashtra & 55 Ors, Judgment delivered on 31/03/2017**. In para no. 26 has observed:-

The circular assailed before this Court is based on the observation of the Apex Court in a case of **Anil Kumar Gupta & Ors. Vs. State of U.P. & Ors.** referred to supra. The circular No. **11 vj0gh 1012@izdz16@ 12@16&v] 13/08/2014**, is in fact explanation to circular dated 16.03.1999. It deals with three stages. One of the clause in the said circular which is in vernacular language reads as under:-

¼v½ iFle Vlik & [AY; k iDxkru l ekarj vkj {A.Akph i nsHAjrkuk} xqAORR; k fud"AKud kj [AY; k iDxkruhy menokj kph fuoM ; knh djkoh ¼; k fBdk.Ah [AY; k iDxkru xqAORR; k vk/Akjkj ekxkl oxh; menokj kpkgh l ekos A gkby½ ; k ; knhr l ekarj vkj {A.Akud kj vko'; d [AY; k iDxkru; k menokj kph l ; k i ; klr vl sy rj dksArkgh izu mnHAo.Akj ukgh vkf.A R; kud kj i nsHAjkohr- tj ; k ; knhr l ekarj vj {A.Akud kj vko'; d [AY; k iDxkru; k menokj kph l ; k i ; klr ul sy rj [AY; k iDxkru kbhjk [Aho l ekarj vkj {A.Akph i nsHAj.; kdjhrk l nj ; knhrhy vko'; d i ; klr l ; brds' AOVpsmenokj oxGau ik= menokj k dsh dG [AY; k iDxkru vko'; d i ; klr l ; brds menokj ?AsAvko'; d vkgs

While delivering Judgment in O.A.No. 944, 945, 220 of 2017, MAT Bench at Aurangabad, the following observations has been made in para no. 13, 14, 15 & 16:-

*"13. It was further observed that while filling the post horizontally reserved category the candidate from that particular category only needs to be taken into consideration and, therefore, the writ petition of the State of Maharashtra was dismissed.*

14. The said decision of the Hon'ble High Court was challenged by the State of Maharashtra in the Hon'ble the Supreme Court by way of Special Leave Petition (Civil) no. 15802/2011. The decision was rendered by the Hon'ble Supreme Court on 27/09/2011 in the said S.L.P. As there was delay of 173 days in filing the said S.L.P., application for condonation of delay was also filed. Hon'ble Supreme Court observed that the said delay is not satisfactorily explained, however, on merit of the case, the following observations were made:-

*"Even on merits, we are satisfied that the reasons assigned by the Tribunal for issuing a direction for appointment of respondent no. 1 were legally correct and the High Court did not commit any error by declining to interfere with the Tribunal's order.*

*The Special Leave Petition is, accordingly, dismissed on the ground of delay and also on merits. "*

15. Since the case of **Irfan Mustafa Shaikh** (supra) was regarding compartmentalized horizontal reservation meant for Home Guards as in the present matters we are dealing with the compartmentalized horizontal reservation for women category, both in Open category, the

*said principle as has been ratified by Hon'ble Supreme Court would be applicable.*

*16. The applicants in O.A.No.944 & 945/2017 belong to socially reserved category. They could not have been selected in Open Horizontal Category had they disclosed their caste in the application form. They cannot be allowed to get the benefit indirectly in view of the ratio of Irfan Mustafa Shaikh (supra)."*

We have perused application of applicant at P.B., Pg. NO. 17 (Annexure-A-3), their following facts are mentioned:-

Gender - Female,

Category – OBC,

Do you belong to Non-Creamy layer? – No,

Exam fee paid – Rs. 415/- (as per the open)

In pursuance of the Judgment of the Hon'ble Apex Court, the Govt. Of Maharashtra has issued Circular No. 1012/13-08-2014 on P.B., Pg. No. 47 (Exh.R-1) (P.B. Pg. No. 47 to 48 {both inclusive}).

In view of this background, in open female category a candidate requires following three criteria to be included:-

1. The candidate should be Female.

2. The candidate should be from Open Female Category.
3. The candidate should have Non-creamy layer Certificate.

The contentions raised by applicant is contrary to the Judgment of Hon'ble Apex Court **Anil Kumar Gupta Vs. State of U.P. reported in (1995) 5 SCC 173 and against the Govt. Order issued G.R. No. 1012/13/08/2014.**

In view of the above details and discussions in foregoing paras, we are not inclined to grant any relief as mentioned in para no. 7 of the O.A.

The candidate obviously is not fulfilling all the criteria's; in view of these facts, **the O.A. stands dismissed with no order as to costs.**

**Member(J)**  
**Date:-10/12/2018.**  
aps.

**Member(A)**