

O.A.288/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 17.05.2017.

Heard Shri S.D. Ghodeswar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The applicant has applied for the recruitment process for the post of Police Constable as per advertisement 24/2/2017. He participated in the process and it is stated that the applicant got 126 marks in the overall examination and that his name should have been in the provisional list. However, his name has not appeared in the said list. However, in the meantime the respondents have issued second advertisement dated 5/5/2017. According to the applicant, the said recruitment process as per second advertisement be stayed and recruitment be carried out as per first advertisement dated 24/2/2017. There is nothing on record to show that the second advertisement is continuation of first advertisement or that the recruitment process as per the first advertisement has

been cancelled. The pleadings are silent as regards applicant is standing on merits in the list. In such circumstances, it may not be possible to issue ad-interim relief as prayed by the applicant. Admittedly, the applicant has not applied as per advertisement dated 5/5/2017 and therefore there is no question of stay to the recruitment process as per the advertisement dated 5/5/2017.

3. Issue notice to R-2, returnable **After Summer Vacation**. Learned C.P.O. waives notice for R-1.

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

5. 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.

6. 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.

7. 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.

8. **S.O. After Summer Vacation.**

Vice Chairman (J)

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O.A.278/2017

**Coram : Hon. Shri J.D.Kulkarni,
Vice-Chairman (J).**

Dated : 17.05.2017.

Heard Shri A.P. Chorghade, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. The matter was heard on merits and in fact was closed for orders. In the reply-affidavit there is a reference to Review Committee report on the basis of which the impugned order of retirement has been issued. However, report of the review committee was not placed on record.

3. The learned CPO has placed on record a copy of the report of review committee (P-53 to 55). The copy of the said report has been served on the learned counsel for the applicant. The learned counsel for the applicant submits that he will have to go through the said report and the applicant may either file rejoinder or may amend the pleadings in view of the said review report. He, therefore, seeks time till 5th June,2017.

4. In view thereof, the matter be kept on 5/6/2017.

Vice Chairman (J)

dnk.