

MISCELLANEOUS APPLICATION NO.332 OF 2024
(Ashiwini J. Kolse & Gorkhnath Kashinath Gavhane Vs. State of Maharashtra & Ors.)

IN

MISCELLANEOUS APPLICATION NO.308 OF 2024
(Nitin Bhagwan Magare & Yogeshwari S. Chintamani Vs. State of Maharashtra & Ors.)

IN

ORIGINAL APPLICATION NO.478 OF 2024
(Manisha Eknathrao Kangle & Shubham Pratapasing Bahure Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 02.08.2024

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned counsel for the intervenors in M.A. No. 332/2024, Shri M.K. Bhosle, learned counsel for intervenors in M.A. No. 308/2024, Shri P.D. Jarare, learned counsel along with Shri A.V. Thombre, learned counsel for the applicants in O.A. No. 478/2024 and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants in O.A. has filed rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. Learned counsel appearing for the intervenors as well as learned Chief Presenting Officer have prayed for modification of the interim order passed by this Tribunal in tune with the order which has been passed by the Hon'ble

Bombay High Court. In the O.A. on 19.04.2024 interim order was passed and thereby the respondents were directed to maintain status quo as on the said date insofar as the appointments in the District of Chhatrapati Sambhajanagar are concerned. The O.A. was filed by some other similarly situated candidates before the Principal Seat of this Tribunal at Mumbai and it is brought to our notice and the copy of the judgment is also placed on record showing that the O.A. has been dismissed by the Principal Seat of this Tribunal at Mumbai. It is further brought to our notice that in W.P. the Hon'ble Bombay High Court has protected the interest of the petitioners therein. Same order is sought to be passed in the present matter. It is brought to our notice that 94 posts are to be filled in the Chhatrapati Sambhajanagar District and no appointment has yet been made. In the present matter there are only 02 applicants who have some grievance about the recruitment process which has been carried out.

4. After having heard, we find it appropriate to modify the interim order. We find substance in the submission made on behalf of the intervenors to the effect that for 02 applicants the appointment of 94 candidates cannot be withheld. In the circumstances, we are inclined to modify the interim order as under: -

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ORDER

(i) The respondents are directed to keep 02 posts vacant in the respective categories until further orders from this Tribunal. Needless to state that there may not be any impediment for the respondents to issue orders of appointment for the remaining 92 seats.

(ii) The matter to come up for hearing on 20.08.2024.

MEMBER (A)

VICE CHAIRMAN