

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 5976 OF 2015**

Sanjay S/o Ramrao Shitale
Age : 38 years, Occ : Service,
R/o H.No.22388, Degaon Chal,
LTC Mill Area, Vazirabad, Nanded,
Tq. & Dist. Nanded.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through the Selection Committee
Collector Ahmednagar as well as
The Secretary of District Selection
Committee, Residential Deputy Collector,
Ahmednagar.
2. Vitthal S/o Wamanrao Kasbe
Age : 42 years, Occ : Nil,
R/o Medhala (Bk), Post : Kamtha (Bk),
Tq. Ardhapur, Dist. Nanded.

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Advocate for Petitioner : Mr. B.R. Kedar h/f Mr. Lavekar
Shivkumar N.

AGP for Respondent/State : Mr. M.B. Bharaswadkar
Advocate for Respondent No.2 : Mr. K.M. Nagarkar

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: October 27, 2015

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ORAL JUDGMENT :- (Per S.S. Shinde,J.)

1. Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken for final hearing.

3. Though the petitioner has taken more than one grounds in the Petition, during the course of hearing, he submits that, though the petitioner was shown to be added as respondent in the array of respondents before the Maharashtra Administrative Tribunal, his address was shown through the District Selection Committee, therefore, according to the learned counsel appearing for the petitioner, the petitioner could not appear before the Maharashtra Administrative Tribunal and in his absence the adverse orders have been passed. Therefore, the learned counsel appearing for the petitioner submits that, on this ground alone the Petition deserves to be allowed.

4. On the other hand, the learned counsel appearing

for Respondent No.2 – original applicant submits that, at the relevant time, when the Original Application was filed by Respondent No.2, the petitioner was not appointed and the original applicant tried to serve the petitioner twice in the office of the District Selection Committee. He submits that, the petitioner has no case on merits. The reasons assigned by the Maharashtra Administrative Tribunal while passing the impugned order are based upon the material, which was on record before the Maharashtra Administrative Tribunal. Therefore, the learned counsel appearing for Respondent No.2, submits that, therefore, this Court may not interfere in the order.

5. We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for Respondent No.2 and the learned A.G.P. appearing for Respondent No.1.

6. Admittedly, though the petitioner was made party

in the Original Application, his address was mentioned through the District Selection Committee. As a result, the petitioner was not properly served and did not participate in the proceedings before the Maharashtra Administrative Tribunal. Therefore, without entering into the merits, we are inclined to allow the Petition on the ground that, the impugned order is passed without hearing the petitioner, which drastically affect the petitioner.

7. In the circumstances, we allow the Petition and set aside the order dated 11th December, 2014 passed by the Maharashtra Administrative Tribunal in Original Application No. 9/2014, the Original Application is restored to its original file. The parties are relegated to the Maharashtra Administrative Tribunal for fresh hearing on the Original Application. The parties to appear before the Tribunal on 19th November, 2015. No separate notice to the parties is necessary. On the said date, the Tribunal may decide the Original Application

or fix the next date for hearing of Original Application.

8. We direct the Tribunal to hear and decide the Original Application, as expeditiously as possible, preferably within four months from today.

9. Rule made absolute in the above terms.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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