

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5688 OF 2015

[Dr. Vaishali d/o H. Badiye and one .vs. The State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri T.R. Darda, counsel for the petitioners,
Shri D.M. Kale, AGP for the respondent nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : OCTOBER 26, 2015.

By this petition, the petitioners impugn the interim order of the Maharashtra Administrative Tribunal in Original Application No.224/2015.

According to the petitioners, the selection of the Lecturers in pursuance of an advertisement by the MPSC was challenged by similarly situated Ad-hoc Lecturers, that were temporarily holding the post, at the principal seat of the Bombay High Court and the Aurangabad Bench. According to the petitioners, who are the applicants in Original Application No.224/2015, the services of the similarly situated ad-hoc employees were protected by the interim orders passed at the principal seat and at the Aurangabad Bench, whereas in the absence of similar orders by the Maharashtra Administrative Tribunal, Bench at Nagpur, the petitioners are out of service. The petitioners have, therefore, challenged the interim order of the Maharashtra Administrative Tribunal, dated 24.9.2015.

Admittedly, since no protection was granted by the Maharashtra Administrative Tribunal to the services of the petitioners during the pendency of the original application, the petitioners are not in the services of the respondents. The petitioners are out of service from April, 2015. The Ad-hoc Lecturers, that had approached the High

Court at the principal seat and the Aurangabad Bench, were benefited by the interim orders passed by the High Court and they are continued in the services of the respondents till the writ petitions are decided.

In the circumstances of the case, the impugned order cannot be set aside and the services of the petitioners cannot be protected during the pendency of the original application. No doubt, the petitioners, that had approached the principal seat and the Aurangabad bench, were benefited by the interim orders passed in the writ petitions. The petitioners in the instant petition are out of service from nearly eight months. The candidates selected by the MPSC are appointed on the posts that were held by the petitioners on ad-hoc basis. In this background, we cannot turn the clock back to grant the relief that was granted to the petitioners that had approached the High Court at the principal seat and the Aurangabad Bench. In the interest of justice, a direction could be issued to the Maharashtra Administrative Tribunal to decide the original application filed by the petitioners, as early as possible.

Hence, we dispose of the writ petition, with a request to the Maharashtra Administrative Tribunal to decide the original application filed by the petitioners, within a period of three months. Order accordingly. No costs.

JUDGE

JUDGE

Gulande