

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

WRIT PETITION NO. 8378 OF 2015

BHAGWAT MALHARI JAMADAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr.Vibhute S.M.
AGP for Respondents/State: Mr.V.S. Badakh.

...

CORAM:S.S.SHINDE & SANGITRAO S. PATIL, JJ.

Dated: APRIL 26, 2016

...

Heard.

2 This petition takes exception to the order dated 15th April, 2015 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in Original Application No.607 of 2013. Upon perusal of the impugned order, it appears that the Maharashtra Administrative Tribunal, placing reliance upon the common judgment and order dated 6.1.2012 passed by the Division Bench of Tribunal at Aurangabad in O.A. Nos.366/2011 and 614/2011,

disposed of the said original application.

3 Upon perusal of the impugned judgment, it appears that, no independent reasons have been assigned and by cryptic observations, the said original application has been decided of.

4 The learned Counsel for the petitioner submits that the High Court of Bombay at Principal seat in **Writ Petition No.2093 of 2011 (Satish Kundanlal Agarwal vs The State of Maharashtra and ors.)** and connected writ petitions decided on 30th September, 2011, in paragraph 30 of the said judgment, has considered the Government Resolution dated 5th March, 2011 issued by the Higher and Technical Education Department, Government of Maharashtra. However, the petitioners, who are Original Applicants, could not bring to the notice of the Maharashtra Administrative Tribunal the said judgment and also the Government Resolution dated 23rd February, 2012 issued by the Higher and Technical Education Department (Exh.H page 158).

5 Upon hearing the learned Counsel for the petitioner and learned AGP appearing

for the State, in our opinion, ends of justice would meet in case, the impugned order is quashed and set aside and the petitioner is relegated back to the Maharashtra Administrative Tribunal so as to consider the case of the petitioner in the light of the aforementioned judgment of the High Court and also the Government Resolution dated 23rd February, 2012 issued by the Higher and Technical Education Department.

6 In the light of above, the impugned order dated 15th April, 2015 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in Original Application No.607 of 2013 is quashed and set aside. Original Application No.607 of 2013 is restored to its original file. The Maharashtra Administrative Tribunal to hear the said original application afresh, on its own merits. The petitioner / applicant to appear before the Maharashtra Administrative Tribunal on 29th April, 2016.

7 The Writ Petition is allowed to above extent and is disposed of.

Registry to ensure that the record is

sent to the Registry of Maharashtra Administrative Tribunal, at Aurangabad, expeditiously so as to reach the said Registry on or before 27th April, 2016.

Parties to act upon authenticated copy of this order.

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)

kadam/