

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 799 OF 2016

The State of Maharashtra and others .. **Petitioners**

Versus

Dr. Shivkumar Narwsingrao Halkude .. **Respondent**

Shri S. G. Karlekar, A.G.P. for the Petitioners.

Shri J. S. Deshmukh, Advocate for Respondent / Sole.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **4th December, 2017**

PER COURT :

1. Present respondent had approached the Maharashtra Administrative Tribunal for considering his service rendered on adhoc basis prior to selection by the MPSC as Medical Officer - Group "A" to be counted for grant of increments as well as earned leave and for other purposes. The Tribunal partly allowed the original application holding that the petitioner therein is entitled for condonation of break in adhoc service prior to the selection by MPSC as Medical Officer - Group "A" and that his earlier service spent on adhoc and temporary basis may be counted for grant of increments as well as earned leaves and for no other purpose.

2. The State has assailed the said judgment in the present writ petition. We have heard learned AGP for the petitioners and learned advocate for the respondent.

3. Learned advocate pointed out that in case of similarly situated persons those who were appointed as Associate Professors on adhoc basis and subsequently were selected through MPSC, the State had challenged the judgment of the Tribunal and they have withdrawn the writ petition and the Government Resolution is issued giving them benefit as was directed by the Tribunal. Present respondent is entitled to same benefit. Learned advocate further submits that Division Bench of this Court in Writ petition No. 11611 of 2015 dated 23.03.2016 has upheld the judgment of the Maharashtra Administrative Tribunal in case of similarly situated Medical Officers and said judgment is not assailed by the State before the Apex Court. Considering the fact that similar relief granted to the similarly situated Medical Officers by the Tribunal, has been upheld by this Court, we do not find any illegality in the same. We also adopt the similar view.

4. In view of above, the writ petition is dismissed. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]