

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO. 2980 OF 2012

SANTOSHSING KAPURCHANDSING RAJPUT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri Swami Mahesh C.  
AGP for Respondent 1/ State : Shri Y.G.Gujrathi.

...

**CORAM: RAVINDRA V. GHUGE  
AND  
SUNIL K. KOTWAL, JJ.**

**DATE :- 13<sup>th</sup> November, 2017**

**Per Court :**

1           The Petitioners have approached this Court with the prayer at clause 15-A, to direct the learned Maharashtra Administrative Tribunal, Aurangabad to decide Original Application No.63/2011 at Aurangabad (Original Application No.1216/2012 at Mumbai). In prayer clause 15-B, the Petitioners pray that Respondent No.2/ MPSC be directed to appoint the Petitioners on the posts of Drug Inspectors subject to the final decision of Original Application No.63/2011.

2           We have heard the submissions of the learned Advocate for the Petitioners and the learned AGP on behalf of Respondent No.1/ State. Though Respondent No.2/ MPSC has been served, none has caused an

appearance despite the pendency of this petition for the past about five years.

3           Insofar as the prayer put forth by the Petitioners in paragraph 15-B that they be appointed as Drug Inspectors during the pendency of the proceedings is concerned, we are not entertaining the said prayer as Original Application No.63/2011 filed by the Petitioners is pending before the learned Tribunal.

4           The order of the learned Tribunal dated 14.02.2012 in Miscellaneous Application No.362/2011 filed by these Petitioners is brought to our notice, wherein, the learned Tribunal has concluded that Original Application No.63/2011 filed by these Petitioners will have to wait till the Writ Petitions filed by some candidates in this Court are decided.

5           The learned Advocate for the Petitioners submits that the cases of these Petitioners are different on some counts than those cases which are pending vide various Writ Petitions before this Court. He, therefore, submits that the proceedings of these Petitioners before the learned Tribunal need not be kept pending.

6           Considering the above and the prayer put forth in paragraph 15-A in this petition, in the event the Petitioners succeed in indicating the difference in the facts of their cases with those pending before this Court in writ petitions, the learned Tribunal is requested to consider Original

Application No.63/2011 at Aurangabad (new number Original Application No.1216/2012 at Mumbai) on its own merits.

7                      With the above observations, this Writ Petition is disposed of.

kps

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)