

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****W.P. NO. 9390 OF 2015**

The Secretary,]
Mah. Public Service Commission]
situated at 5½, 7, 8th floor,]
Cooperage Telephone Corporation]
building, Maharshi Karve Road,]
Cooperage, Mumbai].. Petitioner

Vs.

1. Dharampal Murlidhar Barmase]
Aged about 54 years,]
Occ: Service as Technical Asstt.]
in the office of Dairy]
Development Commissioner,]
Khan Abdul Gafar Khan Road,]
Worli-Seaface, Worli,]
Mumbai-18 Residing at C/2,]
Dairy Staff Quarters,]
Worli, Mumbai-400018]
]
2. The State of Maharashtra]
through the Additional Chief]
Secretary, Agri., Dairy]
Development and Fisheries,]
Department, Mantralaya,]
Mumbai-400 032]
]
3. The Commissioner,]
Dairy Development, Animal]
Husbandry and Fisheries]
Deptt. Khan Abdul Gafar Khan]
Road, Worli, Mumbai-400018].. Respondents

....
Mr. Shrikrishna Ganbavale Advocate for Petitioner
Mr. Yashodeep Deshmukh Advocate i/b Sharayu Shinde for
Respondent No. 1
Mr. N.C. Walimbe AGP for Respondent Nos. 2 and 3
....

**CORAM : SMT.V.K.TAHILRAMANI AND
DR.SHALINI PHANSALKAR-JOSHI, JJ.
DATED : SEPTEMBER 27, 2017**

P.C.:

1 Heard the learned counsel for the petitioner, the learned counsel for respondent no.1 and the learned AGP for the respondent nos. 2 and 3. Rule. By consent, rule is made returnable forthwith and the matter is heard finally.

2 This petition has been preferred by Maharashtra Public Service Commission (for short "MPSC") against the order dated 12.2.2015 passed by Maharashtra Administrative Tribunal, Mumbai in Original Application No. 697 of 2012. By the said order, the Original Application preferred by Respondent No.1 came to be allowed. In the Original Application, Respondent No.1 claimed that his candidature as General Manager from Scheduled Caste category in the Dairy Development Department was wrongly rejected by MPSC on the

ground that he did not have sufficient experience. As stated earlier, the Original Application came to be allowed and Petitioner and Respondent Nos. 2 and 3 were directed to appoint Respondent No.1 as General Manager in Government Milk Scheme.

3 The State has also challenged the very same order of Maharashtra Administrative Tribunal dated 12.2.2015 in O.A. No. 697 of 2012 by preferring Writ Petition No. 11750 of 2016. The said Writ Petition was allowed by us today. For the reasons mentioned in the judgment delivered by us today in Civil Writ Petition No. 11750 of 2017, this petition is also allowed. Rule is made absolute in above terms.

[DR.SHALINI PHANSALKAR-JOSHI,J.] [SMT.V.K.TAHILRAMANI, J.]