

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

WRIT PETITION NO. 3871 OF 2016

(Dr. Deepali D. Paraskar & Ors. vs. The State of Maharashtra thr. Department of Medical
Education and Drugs & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 04, 2017.**

Heard Shri H.S. Chitaley, learned counsel for the petitioners, B.M. Lonare, learned Assistant Government Pleader for respondent No. 1, Shri J.B. Jaiswal, learned counsel for respondent Nos. 2 & 3 and Shri A.R. Deshpande, learned counsel for respondent Nos. 4 & 5.

The learned AGP is seeking time to file reply. Shri Jaiswal, learned counsel states that his affidavit is ready. He supports the impugned order. Shri Deshpande, learned counsel is seeking time to file reply or to make appropriate statement.

The short grievance of the petitioners is that though the approval for their appointment was given in the year 2013, by the impugned order dated 07.06.2016 it has been rejected behind their back.

With the assistance of the learned counsel, we have perused the record. The approval given to their appointment is not in dispute. It appears that one Shri Chandrashekhar Chincholkar made a grievance and pointed out violation of reservation policy and State enactment

regulating it. Therefore, the issue was re-examined by the University. The impugned order shows that the office of the Divisional Commissioner, Amravati, had on several occasions called upon Respondent Nos. 4 & 5 to remain present with necessary documents to verify the roster position. Respondent Nos. 4 & 5 did not assist the office of the Divisional Commissioner.

It is in this background that as there was no material produced justifying the appointments made, the impugned order has been passed.

The documents to show adherence to roster are with the management and the petitioners could not have helped the respondent – University properly in absence of those documents.

This Court has granted interim relief on 14.07.2016 and, therefore, the petitioners are continuing in the employment. Respondent Nos. 4 & 5 are happy with the position and have not filed any reply as interim orders are operating and the petitioners are being paid through public revenue.

In this situation, we quash and set aside the order dated 07.06.2016 and direct Respondent No. 3 to hear the petitioners. Respondent No. 3 shall also look into the necessary documents to find out roster position and Respondent Nos. 4 & 5 shall produce those documents before Respondent No. 3 and also permit the petitioners to have inspection thereof.

We direct the parties to appear before Respondent No. 3 on 20.02.2017 and to abide by its further

instructions in the matter. Respondent No. 3 shall attempt to pass fresh orders within a period of next three months. Till the passing of fresh orders, interim orders passed by this Court on 14.07.2016 shall continue.

As we find that respondent Nos. 4 & 5 are responsible for this litigation, we direct respondent Nos. 4 & 5 to pay cost of Rs.10,000/- each to Respondent No. 1 – State and to Respondent No. 2 – Health University.

If the costs are not paid, it will be open to Respondent No. 1 – State as also respondent No. 2 – Health University to take necessary coercive steps against respondent Nos. 4 & 5.

Writ Petition is, thus partly allowed and disposed of in above terms.

JUDGE

JUDGE

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