

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

**WRIT PETITION NO. 2346 OF 2010**

The State of Maharashtra  
and others ..Petitioners  
Vs.  
Dr. Sudhir s/o. Vinayakrao Bhise ..Respondent

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Mr.S.P.Sonpawale, AGP for petitioners

Mr.S.S.Manale, Advocate for respondent no.1  
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**WITH  
CIVIL APPLICATION NO.12040 OF 2018  
IN  
WRIT PETITION NO.2346 OF 2010**

Dr. Sudhir s/o. Vinayakrao Bhise ..Applicant  
Vs.  
The State of Maharashtra  
and others ..Respondents

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Mr.S.S.Manale, Advocate for applicant  
Mr.S.P.Sonpawale, AGP for respondent nos.1 to 4  
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**CORAM : S.V. GANGAPURWALA AND  
R.G. AVACHAT, JJ.  
DATE : OCTOBER 23, 2018**

**ORAL JUDGMENT (Per S.V.Gangapurwala, J.) :-**

The petitioners assail the order of the

Maharashtra Administrative Tribunal, allowing the Original Application and directing the petitioners to issue appropriate order regarding regularisation of the respondent herein, in terms of the Government Resolution dated 22.01.2009.

2. We have heard learned Asst. Government Pleader for the petitioners and Mr.Manale, learned Counsel for the respondent.

3. The following undisputed facts regarding the service of the respondent, quoted in the judgment of the Tribunal, are as under :-

|   |                          |                                                                                 |
|---|--------------------------|---------------------------------------------------------------------------------|
| 1 | 16.11.2004 to 28.06.2006 | As Medical Officer selected by Dy. Director                                     |
| 2 | 29.06.2006               | Deputed to ENT Dept. by order of the Dean dt.29.06.2007                         |
| 3 | 30.08.2006 to 23.01.2007 | As Lecturer while on deputation to ENT Dept. by order of the Dean (P.B.P.23)    |
| 4 | 24.01.2007               | Designated as Lecturer in ENT Dept. at SRTR Medical College, Ambejogai by Dean. |
| 5 | 17.03.2007               | As Lecturer ENT upon selection by local committee                               |

4. It has been observed by the Tribunal that the service of the respondent as a Lecturer is confirmed from 30.8.2006. The Dean has confirmed the services of the respondent as Lecturer on 30.08.2006 and compliance of the selection process was done in the month of February/March, 2007 by Divisional Selection Board. However, under the orders of the Dean, the respondent was working since 30.08.2006. It appears that the Dean is the Chairman of the selection committee. The Tribunal, in such circumstances, awarded benefit of the Government Resolution dated 22.01.2009.

5. Considering the facts of the case, in our view, the Tribunal has not committed any error in directing the petitioners to grant benefit of regularisation in terms of the Government Resolution dated 22.01.2009. The reasoning given by the Tribunal is plausible. In view of that, no interference is called for in the order passed by the Tribunal.

6. The Writ Petition is, thus, dismissed.

7. In view of dismissal of the petition, Civil Application would not survive and accordingly, stands disposed of. The case of the respondent has to be considered on merits.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp