

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4982 OF 2003**

|                                 |                |
|---------------------------------|----------------|
| The State of Maharashtra & Anr. | ...Petitioners |
| Versus                          |                |
| U. S. Bhoite & Ors.             | ...Respondents |

Mr. O. M. Kulkarni – AAGP for Petitioners – State.  
None present for Respondents.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &  
M. S. SONAK, J.**

**DATE : 12 APRIL 2018**

**ORAL JUDGMENT :**

1] Heard Mr. Kulkarni, the learned AAGP for the petitioners – State.

2] This petition, stands dismissed against some of the respondents for failure to take steps. The rest of the respondents, though served, neither present nor represented.

3] The challenge in this petition is to the judgment and order dated 14<sup>th</sup> December 2001 made by the Maharashtra

Administrative Tribunal (MAT) in Original Application No. 757 of 2001 instituted by some of the respondents.

4] Mr. Kulkarni, the learned AAGP submits that the MAT has failed to take into consideration the fact that the challenge in the OA was only to the provisional seniority list and therefore, such challenge ought not to have been entertained. In any case, Mr. Kulkarni submits that the MAT, has failed to take into consideration the ruling of the Hon'ble Supreme Court in the case of ***Jagdish Lal & Ors. vs. The State of Haryana & Ors. (1997) 6 SCC 538*** as also the constitutional amendment by which, Article 16(4-A) came to be introduced in the Constitution. For these reasons, Mr. Kulkarni submits that the impugned judgment and order made by the MAT warrants interference.

5] As noted earlier, the impugned judgment and order made by the MAT, has attained finality in so far as some of the respondents are concerned. Therefore, this is a good ground not to interfere with the impugned judgment and order, as otherwise, there might arrive conflicting directions on one and the same issue.

6] That apart, the MAT, has taken cognizance of the circumstance that the challenge was only to the provisional seniority list and finally, that the MAT has directed the petitioners – State to issue appropriate guidelines in terms of the decisions of the Hon'ble Supreme Court, including in particular, the decision of the Hon'ble Supreme Court in the case of ***Ajit Singh & Ors. The State of Punjab & Ors. AIR 1999 SC 3471*** and on such basis, to finalise the provisional seniority list. In any case, the petitioners – State, is bound to take into consideration the law laid down by the Hon'ble Supreme Court at the stage of finalization of the seniority list. Accordingly, we see no good ground to interfere with the impugned judgment and order at the behest of the State Government.

7] In ***Ajit Singh & Ors. (II) vs. State of Punjab & Ors. (1999) 7 SCC 209***, the decision of the Hon'ble Supreme Court in the case of *Jagdish Lal* (supra) stands over ruled. Therefore, the petitioners – State is not at all justified in placing reliance upon *Jagdish Lal* (supra) in support of the present petition.

8] It does not appear that any interim relief was granted in this matter. Therefore, it is reasonable to proceed on the basis of the assumption that the directions issued by the MAT might have been complied with. It is also reasonable to proceed on the basis that most of the private parties to this petition must have retired from service or must be on the verge of retirement. This is also, an additional ground which dissuades us from interfering with the impugned judgment and order, at this point of time.

9] For all the aforesaid reasons, we dismiss the petition. Rule is discharged.

**(M.S. SONAK, J.)**

**(ACTING CHIEF JUSTICE)**

CHANDKA