

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

WRIT PETITION NO. 7071 OF 2018

Vinod Dadasaheb Dhore and another	... Petitioners
Versus	
The State of Maharashtra and others	... Respondents

**WITH
CIVIL APPLICATION NO. 1825 OF 2018**

Sachin Raghunath Choudhary and others	... Applicants
Versus	
Vinod Dadasaheb Dhore and others	... Respondents

**WITH
WRIT PETITION NO. 8559 OF 2018**

Maharashtra Public Service Commission	... Petitioner
Versus	
Vinod Suryakant Wayagankar and others	... Respondents

**WITH
CIVIL APPLICATION NO. 1826 OF 2018**

Sachin Raghunath Choudhary and others	... Applicants
Versus	
Maharashtra Public Service Commission and others	... Respondents

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Mr. Sandeep Dere for the Petitioners in WP No. 7071 of 2018.
Mr. Nitin P. Dalvi for Petitioner in WP No. 8559 of 2018 and for
respondent No.3 in WP No. 7071 of 2018.
Mr. Satish Talekar and Ms. Madhavi Ayyappan i/b Talekar and
Associates for the Applicant in CAWs.
Mr. Abhijeet Desai I/b Mr. Arjun Pawar for the Respondent Nos. 1
to 3 in WP No. 8559 of 2018 and for the respondent Nos. 7 to 9 in
WP No.7071 of 2018.

Mr. Tushar Sonawane for the respondent Nos. 4 to 6 in WP No. 7071 of 2018.

Mr. A.B. Vagyani, GP a/w Mr. P.G. Sawant, AGP for the respondent Nos. 1 and 2 in WP No. 7071 of 2018 and for respondent Nos. 4 to 6 in WP No. 8559 of 2018.

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CORAM : A. S. OKA AND M. S. SONAK, JJ.

DATE : 11th SEPTEMBER, 2018.

P. C.:

1. Both Civil applications are allowed in terms of prayer clause “A”.

2. We issue **Rule** in Writ Petition No. 7071 of 2018. The learned AGP waives notice for first and second respondents. The learned Counsel appearing for third respondent waives service. The learned Counsel appearing for fourth to sixth respondents as well as learned Counsel appearing for seventh to ninth respondents waive service. The learned Counsel appearing for petitioners, the learned Counsel appearing for third respondent, learned Counsel appearing for fourth to sixth respondents and learned Counsel for seventh to ninth respondents as well as learned Counsel representing interveners who are applicants in Civil Application No. 1825 of 2018 state that instead of keeping

the petition pending, by setting aside the impugned order, the Original Applications be remanded to the Maharashtra Administrative Tribunal. The said suggestion is reasonable and we accept the same. However, while sending back the matter, the issue whether all necessary and proper parties are impleaded to the Original Applications will have to be kept open. Accordingly, we pass the following order:-

- (i) The impugned judgment and order dated 12th June, 2018 in Original Applications Nos. 1035 of 2017, 1083 of 2017 and 1186 of 2017 with Original Application No. 165 of 2018 is hereby set aside and the aforesaid Original Applications are restored to the file of Maharashtra Administrative Tribunal;
- (ii) We direct the parties to the writ petition to appear before concerned Bench of the Maharashtra Administrative Tribunal on 3rd October 2018 at 10.00 a.m. for fixing the schedule of hearing;
- (iii) We request the Maharashtra Administrative Tribunal to give necessary priority to the disposal of the

Original Applications considering the issues involved;

- (iv) We make it clear that the issue whether all the necessary and proper parties have been impleaded to the Original Applications is kept open which will be decided by the Tribunal;
- (v) We also make it clear that all steps taken during the pendency of the Original Applications as well as this writ petition are subject to further orders which may be passed in the Original Applications;
- (vi) All contentions on merit are kept open.

3. Rule issued in Writ Petition No. 7071 of 2018 is partly made absolute in above terms.

6. In view of the above order, Writ Petition No. 8559 of 2018 does not survive and the same is also disposed of.

(M. S. SONAK, J.)

(A. S. OKA, J.)

Shridhar
Marutirao
Sutar

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Shridhar Marutirao
Sutar
Date: 2018.09.24
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