

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

WRIT PETITION NO. 11443 OF 2016

The State of Maharashtra & Ors.	..	Petitioners
versus		
Vinod Ramchandra Badekar	..	Respondent

**WITH
WRIT PETITION NO. 13542 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Dhanesh Gundra Pore & Ors.	..	Respondents

**WITH
WRIT PETITION NO. 13664 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Chandrasen Rama Kale & Anr.	..	Respondents

**WITH
WRIT PETITION NO. 13665 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Rajesh Ganesh Dhabale & Anr.	..	Respondents

**WITH
WRIT PETITION NO. 13666 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Tushar Vasant Nikam	..	Respondent

The State of Maharashtra & Ors. .. Petitioners
versus
Nandkumar Dhondiba Kalgonda & Ors. .. Respondents

The State of Maharashtra & Ors.	..	Petitioners
Prasad Shantaram Kamble	..	Respondent

The State of Maharashtra & Ors.	..	Petitioners
versus		
Miss Komal Dayanand Katte	..	Respondent

The State of Maharashtra & Ors.	..	Petitioners
versus		
Rahul Vishwanath Padhen	..	Respondent

The State of Maharashtra & Ors.	..	Petitioners
versus		
Chandrashekhar Rangrao Jadhao	..	Respondent

**WITH
WRIT PETITION NO. 13672 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Smt. Smita Maruti Naikade	..	Respondent

**WITH
WRIT PETITION NO. 13673 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Nitin Keshav Sonawane & Ors.	..	Respondents

**WITH
WRIT PETITION NO. 13674 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Abhijit Sidram Powar & Ors.	..	Respondents

**WITH
WRIT PETITION NO. 13675 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Sunil Bhatu Patil & Anr.	..	Respondents

**WITH
WRIT PETITION NO. 13676 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Nitin Dattatraya Vyapari	..	Respondent

**WITH
WRIT PETITION NO. 13677 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Sameer Narendra Mayekar	..	Respondent

**WITH
WRIT PETITION NO. 13678 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Rizwan Hasan Waghoo	..	Respondent

**WITH
WRIT PETITION NO. 13679 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Smt. Sharmila D. Udavant & Ors.	..	Respondents

**WITH
WRIT PETITION NO. 13680 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Anil D. Gawande & Ors.	..	Respondents

**WITH
WRIT PETITION NO. 13681 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Rupesh Raghaw Kadaw	..	Respondent

**WITH
WRIT PETITION NO. 13682 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Pravin Janbarao Deshmukh	..	Respondent

**WITH
WRIT PETITION NO. 13683 OF 2016**

The State of Maharashtra & Ors.	..	Petitioners
versus		
Sandeep Ramchandra Pawar & Ors.	..	Respondents

The State of Maharashtra & Ors.	..	Petitioners
versus		
Pankaj B. Wagh & Ors.	..	Respondents

Mr. Nitin P. Deshpande for Respondent Nos. 1 to 7 in WP 4913 of 2018.

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

DATE : 23 APRIL 2018

P.C. i

- 1] Heard the learned counsel for the parties.

2] The challenge in this batch of petitions is to the common judgment and order dated 27th April 2016 made by the Maharashtra Administrative Tribunal (MAT) in Original Application Nos. 467, 524, 585, 589, 606, 632, 633, 636, 638, 648, 667, 742, 766, 767, 768, 786, 791, 808, 809, 822 , 904, 960 and 1054 all of 2015 and judgment and order dated 12th April 2017 in OA No. 738 of 2016 (impugned judgments and orders).

3] After the matters were argued for some time, at the request of the learned counsel for the parties, we set aside the impugned judgments and orders and remit the respective Original Applications to the MAT for fresh adjudication in accordance with law and on their own merits.

4] At the request of the learned counsel for the parties, we clarify that all contentions of all parties are left open for adjudication by the MAT.

5] Since, some issues were raised as regards the

operation of the interim relief during the pendency of the Original Applications before the MAT, we direct that the following interim arrangement shall operate until the MAT disposes of the Original Applications finally :-

(A) The original applicants in each of the Original Applications where there was already an interim order made by the MAT, will be allowed to continue to work on contractual basis on the same contractual terms and conditions. However, none of the applicants, shall claim any equities on the basis of such interim arrangement, which is clearly without prejudice to the rights and contentions of either parties ;

(B) The aforesaid shall not preclude the State / Respondents before the MAT from taking steps to fill up the post of instructors etc. as held by the original applicants on regular basis. The original applicants, without prejudice to their rights and contentions in the Original Applications will be entitled to take part in such regular selection process, if undertaken by

the respondents;

(C) In case, the State / Respondents seek to discontinue the scheme of making appointments on contractual basis and for that reason, seek to discontinue the contractual services of the original applicants before the MAT, the State / Respondents, shall be at liberty to apply to the MAT for seeking variation / modification of this interim arrangement;

6] The interim arrangement as aforesaid, is basically to restrain the State / Respondents before the MAT to replace one set of contractual appointees by another set of contractual appointees. The interim arrangement is not to prevent the State / Respondents before the MAT from initiating process for regular appointments, if, they choose to do so. The regular appointments, if made, shall however be subject to final orders in the Original Applications before the MAT. This should be clearly stated in the appointment orders, so issued.

7] In the peculiar facts and circumstances of the present

case, we request the MAT to dispose of all the Original applications as expeditiously as possible;

8] All these petitions are disposed of in the aforesaid terms. There shall be no order as to costs.

9] All the parties to appear before the MAT on 4th June 2018 at 11.00 a.m. and produce authenticated copy of this order.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA