

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

WRIT PETITION NO.380/2017

Vinayak Akaram Rupnar and others.

Vs.

State of Maharashtra and others.

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

Court's or Judge's order

.....
Shri P. S. Patil, Advocate for the petitioners.

Shri S. Y. Deopujari, Government Pleader for the respondent Nos.1 & 2.

Ms. A. R. Taiwade, Advocate for the respondent No.3.

Shri V. N. Patre, Advocate for the respondent No.4.

**CORAM : R.K. DESHPANDE &
MILIND N. JADHAV, JJ.**

DATED : 25th NOVEMBER, 2019

1. The challenge in this petition is to the Judgment and order dated 24.09.2015 passed by the Maharashtra Administrative Tribunal in Original Application No.766 of 2013. The Original Application has been allowed and the Director of Prosecution is directed to prepare fresh merit list after merging the merit list of Amravati Division with that of the rest of the Maharashtra and if the applicant is found eligible for appointment on the basis of merit, for appearing in the proficiency test, he will be permitted to do so and his eligibility for appointment will be decided on merit.

2. The respondent No.4 who was the Original Applicant before the Maharashtra Administrative Tribunal has appeared before us and the statement is

made that he has joined the service in Forest Department as Higher Grade Stenographer. The post in question was of Lower Grade Stenographer and therefore, the respondent No.4 does not intend to join the service in the Directorate of Prosecution.

3. In view of the aforesaid position, the Original Application should not have been adjudicated on merit by the Maharashtra Administrative Tribunal.

4. In the result, this Writ Petition is allowed. The Judgment and Order dated 24.09.2015 delivered in Original Application No.766 of 2013 by the Maharashtra Administrative Tribunal is hereby quashed and set aside. The Original Application No.766 of 2013 is dismissed.

JUDGE

JUDGE

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