

Sequeira

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

WRIT PETITION NO. 13739 OF 2018

Maharashtra Public Service Commission .. Petitioner
Vs
Rohit Mohan Jadhav .. Respondent

Ms.Akanksha Helaskar i/b A.M.Kulkarni, for the Petitioner.
Mr.Nikhilesh Pote, for the Respondent.

*CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.
Date : 21 January 2020.*

P.C. :

Heard learned Counsel for the parties.

2. By this Petition filed by the Maharashtra Public Service Commission, the interim order passed by the Maharashtra Administrative Tribunal, Mumbai dated 30 October 2018 has been challenged. By the interim order the Tribunal had directed the Petitioner to appear for interview in the recruitment process for the posts of Administrative Officer, Planning Officer, Budget Officer and Recovery Officer Group B (Administrative) (Gazetted) in the Agriculture, Animal Husbandry and Fisheries Department under the establishment of Fisheries Commissioner, Maharashtra State, Mumbai. In this Petition by ad-interim order dated 4 December

2018, this direction has been stayed. It appears thereafter for some reason or other the Petition has not come up for hearing. It is much later that Respondent filed appearance and the matter is placed before us today. It is now almost more than a year that the direction issued by Maharashtra Administrative Tribunal is stayed by this Court. We are informed that the Original Application filed by the Respondent is now scheduled for hearing. By issuing the impugned direction the Tribunal had granted a relief which virtually amounted to a final relief. Considering this fact and that the interim order has remained in operation for a year and that the Original Application is ready for hearing, we are of the opinion that the ad-interim order dated 4 December 2018 should be continued till the disposal of the Original Application pending before the Tribunal.

3. Accordingly, the Writ Petition is disposed of directing that during the pendency of the Original Application No.921 of 2018 the direction issued by Maharashtra Administrative Tribunal dated 30 October 2018 shall remain stayed. In the light of this view that we have taken liberty is granted to the Respondent to make a request to the Tribunal for early hearing of this Original Application. We make it clear that we have not commented on the merits of the rival contentions in the Original Application.

M.S.KARNIK, J.

NITIN JAMDAR, J.

Maria Luiza
Sequeira

Digitally signed by
Maria Luiza Sequeira
Date: 2020.01.27
17:38:17 +0530