

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**906 WRIT PETITION NO.8018 OF 2020
WITH CA/9218/2021 WITH WP/8018/2020 WITH CA/9219/2021 IN
WP/8019/2020 WITH CA/9221/2021 IN WP/8020/2020 WITH
WP/8019/2020 WITH WP/8020/2020**

**PRATIK VINAYAK PHUTANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. A.R. Rathod and Mr. P.A. Rathod
AGP for Respondent Nos.1 to 4 : Mr. S.B. Yawalkar
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 23rd SEPTEMBER, 2021

PER COURT:-

1. These three petitioners are identically placed candidates who had appeared for the Maharashtra Finance and Accounts Services Class-III examination which was conducted by the Maharashtra Public Service Commission ('MPSC' for short). Such examination is conducted twice a year.

2. The learned AGP has tendered an affidavit in reply.

3. The petitioners have put-forth prayer clause (B), (C) and (D) as under:

"B. By issue of appropriate writ or order or direction, more particularly in nature of a writ of Declaration to declare the Notification in Government of Maharashtra Gazette bearing no.RNINO.MAHBIL/2009/31733 dated 28/09/18 and the Circular dated 15/07/2019 as void, defective and unconstitutional being violative of Articles 14, 21 of the

Constitution of India and for that purpose issue the necessary orders.

C. By issue of appropriate writ or order or direction, more particularly in nature of a writ of Mandamus direct the formation of an Independent committee for the fair evaluation of the Answer Sheets of the Petitioner in particular Answer sheets for Paper no.02 of Part I and Paper no.5 of Part II of the Examination and for that purpose issue necessary orders.

D. By issue of appropriate writ or order or direction, more particularly in nature of a writ of Mandamus direct the Respondents to declare the results of the Petitioner in accordance to the report of the committee as appointed in terms of Prayer Clause "C" with ensuing consequential effects."

4. All the petitioners have failed in paper no. 2 under Part-I and paper no.5 under Part-II.

5. At this juncture, the learned advocate for the petitioners submits, on instructions, that these petitions may be disposed off as transferred to the Maharashtra Administrative Tribunal, Bench at Aurangabad considering Section 15 of the Administrative Tribunals Act, 1985.

6. In view of the above, these petitions are removed from the file of this Court and the registry shall transfer the same to the learned Maharashtra Administrative Tribunal, Bench at Aurangabad. Pending civil applications do not survive and stand disposed off.

7. We make it clear that we have not dealt with the contentions that there are several matters raising similar challenges,

which are pending before the learned Maharashtra Administrative Tribunal at the principal seat at Mumbai and the Aurangabad bench (MAT) would not have jurisdiction. The said issue is kept open.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)