

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2447 OF 2022

DR. IMRAN NIZAM PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S. S. Wagh h/f Mr. V. B. Wagh.
AGP for Respondents-State : Mrs. M. A. Deshpande.
Advocate for Respondent No.4 : Mr. R. N. Chavan.
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CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.

DATE : 10.03.2022

PER COURT :-

1. The petitioner has impugned the order dated 21.12.2021 passed by the Maharashtra Administrative Tribunal Mumbai, Bench at Aurangabad, adjourning the Original Application till 28.01.2022 and directing the office to issue notices to the respondents returnable on 28.01.2022. However, in paragraph No.5 of the said order, the Tribunal has observed that at that point, as per the principles of natural justice, granting interim relief without hearing the adversely affected party i.e. respondent No.4 will not be proper and in the interest of justice. Therefore, the prayer for interim relief is accordingly

rejected.

2. In our view, the observations made in paragraph No.5 of the impugned order is contrary to the subsequent directions issued in paragraph No.6 to 11. Respondent No.4 was not served till the date of the said order. If the Tribunal was not satisfied with the application for any ad-interim relief, the Tribunal could have at the most rejected the application for ad-interim relief and not the interim relief. Be that as it may, the learned AGP for the State tenders a copy of the letter dated 09.03.2022 addressed by the Government Medical College, Jalgaon to the learned AGP stating that the Dr. Shrutika Borade has been appointed on the isolated posts till 12.12.2022.

3. Respondent No.4 is already represented before the Tribunal. In view of the fact that as on today, there is only one post which is already filled up, the application for interim relief made by the petitioner has become infructuous.

4. Hearing of the Original Application No.809/2021 seeking regularization in service is expedited. The parties shall not seek any adjournment before the Tribunal.

5. Writ Petition is disposed off in the aforesaid terms.

6. It is made clear that merely because the Original Application No.809 of 2021 filed by the petitioner is pending before the Maharashtra Administrative Tribunal, the respondents are not precluded from considering the application of the petitioner for any other suitable job on its own merits. The respondents in the said Original Application shall file reply within three (3) weeks from today without fail before the Tribunal. If the reply is not filed by the respondents in the said proceeding within three (3) weeks from today, the Tribunal is directed to proceed with the matter without any reply on record.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-