

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 2110 OF 2022

NANDA BHUJANGRAO OGHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...

Advocate for Petitioners : Mr. S.S. Thombre
AGP for Respondents: Mrs. M.A. Deshpande
Advocate for Respondents-Intervenor : Mr. Ajay S. Deshpande

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**CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.**

DATE : 4th APRIL, 2022

PER COURT :-

1. We have extensively heard this matter.
2. We have noted that the petitioners have not approached the learned Maharashtra Administrative Tribunal at Aurangabad with the grievance that they have voiced before us. Based on the judgment of the learned Full Bench of the Maharashtra Administrative Tribunal, at Aurangabad dated 2nd February, 2017, this petition has been filed on 09-02-2021, after the Competent Authorities started implementing the directions issued by the learned Full Bench of the Tribunal.
3. Considering the effect of Rule 5(2) as introduced by the amendment to the Maharashtra Sub-Services Departmental Examinations Rules, 1988, we have expressed our disinclination to entertain this petition, filed directly in this Court.
4. The learned Advocate for the petitioners submits, on instructions, that the petitioners would approach the Maharashtra Administrative Tribunal at Aurangabad. They pray that the statement made earlier on

behalf of the Resident Deputy Collector, Nanded, on 11-02-2022, be maintained.

5. The learned AGP submits that this matter was circulated for 11-02-2022 on the day when the meeting of the D P C was scheduled at 4.30 p.m. and was postponed. Based on such postponement of that meeting, that there was no change in the status of the petitioners. The meeting has, thus, taken place and the Departmental Promotion Committee took a decision based on the seniority, which was fixed much earlier.

6. The learned AGP, therefore, submits that no such statement can be made on behalf of the Government since it is almost over four years, that the Government has meticulously considered the guidelines of the learned Full Bench of the Maharashtra Administrative Tribunal and has implemented them in the entire State of Maharashtra.

7. In view of the above, this petition is disposed off as withdrawn with liberty to approach the learned Maharashtra Administrative Tribunal, at Aurangabad. Nevertheless, further developments that may occur in relation to the service conditions of this petitioners, would be subject to the result of the decision of the Maharashtra Administrative Tribunal.

8. All the contentions of the learned Advocate for petitioners are kept open including interpretation of the Rules and any observation occurring in this order would not influence the Maharashtra Administrative Tribunal.

9. Pending civil application No. 3131 of 2022 does not survive and the same stands disposed off.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE