

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

Writ Petition No.1991 of 2023

Kesharshah Premshah Uikey and another

Versus

State of Maharashtra and others

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

Court's or Judge's order

Shri A.A. Dhawas, Counsel for Petitioners.

Smt. S.S. Jachak, Assistant Government Pleader for Respondent Nos.1 to 3.

Shri R.V. Shiralkar, Counsel for Respondent Nos.5 and 6.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 28th JULY, 2023.

1. Heard.
2. The petitioners seek to challenge the judgment dated 14-2-2023 passed by the Maharashtra Administrative Tribunal in Original Application No.486 of 2022. By the said judgment, the Tribunal while adjudicating the Original Application preferred by the respondent Nos.4 to 6 herein has passed the following order :

"A. The original application is allowed.

B. The respondent no.1 is directed to consider the objection raised by the applicants dated 13.04.2022 before finalization of the seniority list.

C. The respondent no.1 is further directed to consider the objection raised by the applicants by considering The Maharashtra Civil Services (Regulation of Seniority) Rules, 1982.

D. No order as to costs."

3. As per the Government Resolution dated 1-4-2022 issued by the Urban Development Department, the combined seniority list for 1-1-2020 as well as 1-1-2021 came to be published. As per Clause 11, the last date for raising an objection to the said seniority list was 18-4-2022. Prior to this date, the respondent Nos.4 to 6 raised an objection on 13-4-2022 and it is the said objection that has been directed to be considered by the Tribunal.

The petitioners have an apprehension that on the basis of the said objection, the respondent Nos.4 to 6 are likely to be held senior than the petitioners. In that regard, reference is made to the communication dated 5-4-2023 issued by the Administrative Officer, Department of Agriculture to the Desk Officer along with the copy of the order of the Tribunal.

4. We find that the order passed by the Tribunal is clear and it merely directs the objection raised by the respondent Nos.4 to 6 to be considered in accordance with the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982. The representation made by the petitioners is on 2-3-2023 which is after the date indicated in the Government Resolution dated 1-4-2020. Hence the directions sought by the petitioners to have their objection considered would not be in consonance with the Government Resolution dated 1-4-2022. The apprehension expressed by the petitioners is on the basis of oral information received by them as pleaded in Paragraph 4 of the writ petition. There is no legal basis for such apprehension as the objection has to be decided in accordance with law. In case the petitioners are aggrieved by the seniority fixed after conclusion of the objection, it can always be challenged in accordance with law. In view of this, we do not find any reason to interfere in writ jurisdiction. Keeping all the points raised by the petitioners open for being raised in the appropriate proceedings, the writ petition is dismissed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR