



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 331 OF 2024
WITH CIVIL APPLICATION NO. 2305 OF 2024
WITH CIVIL APPLICATION NO. 1361 OF 2024
WITH CIVIL APPLICATION NO. 1694 OF 2024

VISHWANATH BABURAO TAK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr. S. S. Thombre, Advocate for petitioner
Mr. S. K. Tambe, AGP for respondent Nos. 1 to 3
Mr. Rohit S. Sarvadnya, Advocate for respondent No. 4.

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 27th FEBRUARY, 2024

PER COURT :-

1. The Petitioner was not a party to the Original Application No. 57/2010 with Miscellaneous Application No. 210 of 2020. By this Petition, he has directly challenged the judgment dated 17th November, 2021 delivered in the said proceeding.

2. A letter dated 2nd January, 2020 issued by Mr. Anil Dhas, Desk Officer, Revenue and Forest Department was subject matter of adjudication in Original Application No. 862 of 2019 with Civil Application No. 13 of 2020. In a short order, the learned Division Bench of the Tribunal at Nagpur observed in paragraph No. 3 while disposing of the Original Application No. 862 of 2019, as under:

"3. In view of this, we direct to the respondents to implement the decision of the GAD as per para-3 in the letter dated 2/1/2020 within a period of three weeks from the date of this order. We hope that the respondents will follow the MCS (Seniority) Rules while fixation of the seniority."

3. This matter was carried in Writ Petition No. 2328 of 2020 and by judgment dated 25th September, 2020, the learned Division Bench of this Court at Nagpur quashed clause 3 of the order of the learned Tribunal (reproduced above) and granted liberty to the Petitioners *"to adopt such appropriate remedies to challenge the order dated 02.01.2020 as is permissible in law"*.

4. It is in this backdrop that the Original Application No. 57 of 2020, ***Vrushali Balkrishna Tambe Versus The State of Maharashtra and Others***, was filed before the learned Tribunal. By its order dated 17th November, 2021, the learned Tribunal directed as under:

"26. In view of discussion as above, we find merit in the Original Application. In view of the same, the Original Application can be disposed off by giving appropriate directions to the Respondents to prepare final seniority list of the Range Forest Officer in the State by adhering to the provisions of Rules 9 of the Recruitment Rules and to effect promotions in accordance with communication dated 02.01.2020 (Annex. 'A-7') accordingly by making it applicable to subsequent batches. Hence following order:-

ORDER

The original Application as well as the Misc. Application are allowed in following terms:-

(A) The Respondents are directed to place the applicant in seniority list for the post of Range Forest

Officer in accordance with Rule 9 of the Range Forest Officer in the Maharashtra Forest Services Group-B (Gazetted) (Recruitment) Rules, 2014, which were notified on 05.02.2015.

(B) The respondents are further directed to prepare the seniority list of Range Forest Officer as per the communication dated 02.01.2020 (Annex. 'A-7') issued by Respondent No.1 and to effect promotions on the basis of the fresh seniority list as per the said communication dated 02.01.2020.

(C) No order as to costs."

5. The learned Advocate for the Petitioner submits that the Petitioner desires that the seniority list for the post of Range Forest Officer should be in accordance with Rule 9 of the '*Range Forest Officer in the Maharashtra Forest Services Group-B (Gazetted) (Recruitment) Rules, 2014*' which were notified on 05.02.2015. He submits that if this rule is followed, the Petitioner has no reason to pursue this Petition as his grievance is redressed.

6. The learned AGP submits on instructions from Smt. Asha Eknath Chavan, Assistant Conservator of Forest, Chhatrapati Sambhajanagar, present in the Court, that the Department is strictly following Rules 8 and 9 of the said Rules.

7. The learned Advocate for the Petitioner submits on instructions that since clause 'A' of the order (reproduced above) of the Tribunal vide judgment dated 17th November, 2021 in ***Vrushali Balkrishna***

Tambe Versus The State of Maharashtra and Others (supra) is being followed, the Petitioner does not desire to prosecute this Writ Petition and seeks liberty to withdraw.

8. In view of the above, **this Writ Petition is disposed off as withdrawn.**

9. The Intervenors who have filed various intervention applications, submit that they want to canvass their applications. We find that when the Petitioner desires to withdraw the Writ Petition, we don't have to deal with such applications.

10. Hence, **the Civil Applications do not survive and stand disposed off.** The Intervenors, if advised, may avail of an appropriate remedy.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp