



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4485 OF 2024

DR ADESH BHAGVANRAO THOMBRE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
MEDICAL EDUCATION AND DRUGS DEPARTMENT

Ms. Rashmi Kulkarni, Advocate h/f Mr. S. M. Mule, Advocate for the
Petitioners

Mr. P. K. Lakhotiya, AGP for the Respondent/State

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

DATE : 29th April, 2024

PER COURT :-

1. We have considered the strenuous submissions of the learned Advocate for the Petitioners, at length. With her assistance, we have gone through the Petition paper book and the impugned judgment passed by the learned Maharashtra Administrative Tribunal. We have also perused the ready reference chart of these 24 Petitioners as regards the duration / time that they would require for completing their PG courses and further time for completing the terms of the bond. The said chart is marked as Annexure 'X' for identification.

2. Having considered the overall fact situation, the legal provisions and keeping in view the order passed by this Court in PIL No. 47 of 2021, we expressed our disinclination.

3. The learned Advocate for the Petitioners submits, on instructions, that the Petitioners desire to withdraw this Petition, but pray for some time to join duties. The learned AGP has opposed any further extension of time keeping in view the notification issued by the Medical Education and Drugs Department, State of Maharashtra, dated 28th March, 2024 by which the extended period enabling the selected candidates to join as Medical Officers (Group B) upto 29th April, 2024 i.e. today.

4. Our attention is drawn to Rules 5 and 8 of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982. We do find that there would be a dispute between the selected candidates with regard to their seniority, in this situation. Rather than letting complications creep in, we deem it appropriate to permit these Petitioners, more particularly those Petitioners who are willing to report for duties, to tender their e-mail joining communications by 11.59 p.m. today so as to enable them to communicate to the Appointing Authority that they are joining duties and their e-mails may be considered as their joining reports. In order to enable them to physically report for duties, we are granting them time up to noon of 6th May, 2024 since many of these selected candidates are pursuing their PG courses in Rajasthan, Haryana, New Delhi, Jharkhand, West Bengal, Andhra Pradesh etc. The Petitioners are agreeable.

5. In view of the above, **this Writ Petition is disposed off.** Out of these Petitioners, whoever desires to report for duties, shall send his e-mail to the Dean of the concerned Medical College in which the particular candidate is to join as a Medical Officer (Group B). If such unconditional joining e-mail is tendered by 11.59 p.m. today, there shall be no dispute as regards the seniority of these candidates, in view of the communication dated 28th March, 2024. Those who do not send such e-mail or if they tender such e-mail subsequently, their date of joining for the purpose of seniority would be the date on which such an e-mail is received. All such candidates who are desirous of joining and who have sent their e-mails, would be given time to physically join their respective colleges latest by noon on 6th May, 2024.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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