



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 WRIT PETITION NO. 12212 OF 2024

AKASH SHALIGRAM SABLE AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

....

Ms Bhushan Mahajan, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State
Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH

WRIT PETITION NO. 12106 OF 2024

SACHIN ROHIDAS AAGE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr A. B. Chalak, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State

WITH

WRIT PETITION NO. 12152 OF 2024

SHUBHAM BHAUSAHEB JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Ms Pradnya Talekar, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State
Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH

WRIT PETITION NO. 12175 OF 2024

CHANDRAKANT SHIVAJI GAIKWAD AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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....

Mr A. B. Chalak, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State
Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH
WRIT PETITION NO. 12132 OF 2024

AVINASH RUSTAM WANKHEDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Mr A. B. Chalak, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State
Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH
923 WRIT PETITION NO. 12875 OF 2024

ANUPAM PRAKASH RAWATE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Ms Pradnya Talekar, Advocate for petitioner
Mr M. M. Nerlikar, Addl. G.P. for respondents/State

WITH
WRIT PETITION NO. 12974 OF 2024

DATTA GANGADHAR SHINDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Mr Kuldeep Patil and Ravi B. Gite, Advocates for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State

WITH

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970 WRIT PETITION NO. 12150 OF 2024

VAIBHAV SHIVAJI PATIL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Ms Pradnya Talekar, Advocate for petitioners

Mr M. M. Nerlikar, Addl. G.P. for respondents/State

Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH

971 WRIT PETITION NO. 12151 OF 2024

OM JALINDER BADE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

....

Mr Ravi Balasaheb Gite, Advocate for petitioners

Mr M. M. Nerlikar, Addl. G.P. for respondents/State

Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH

972 WRIT PETITION NO. 12176 OF 2024

DEEPAK YADAVRAO MAGAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

....

Mr Ravi Balasaheb Gite, Advocate for petitioners

Mr M. M. Nerlikar, Addl. G.P. for respondents/State

Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH

973 WRIT PETITION NO. 12177 OF 2024

SANKET SHANTARAM KADAV AND ANOTHER

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VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

....

Ms Pradnya Talekar, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State
Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

WITH

975 WRIT PETITION NO. 12181 OF 2024

RAHUL SHANKAR TAMBE AND OTHERS

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS**

....

Mr Ravi Balasaheb Gite, Advocate for petitioners
Mr M. M. Nerlikar, Addl. G.P. for respondents/State
Mr S. S. Thombre, Advocate for respondent Nos.7 to 10

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 28th November, 2024

PER COURT:

1. Writ Petition No.12974/2024 was not on board. By consent of the respective sides, taken on board.
2. The petitioners are taking exception to the ad interim relief granted by the learned Member of the Maharashtra Administrative Tribunal, dated 29/10/2024 in Original Application

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No.1283/2024 with Misc. Application No.578/2024 and Misc. Application No.577/2024.

3. These matters pertain to recruitment to the posts of Multipurpose Health Workers, Health Inspectors and Health Supervisors pursuant to the advertisement dated 28/08/2023.

4. We have heard both the sides.

5. Avoiding unnecessary reference to the details, suffice for the purpose to observe that the Tribunal had granted the ad interim relief in following terms :-

*“8. In view of above discussion, (i) the effect and execution of the order dated 10.10.2024 (Exhibit-H) is hereby stayed till the next date of hearing and
(ii) In the meanwhile if any appointment orders have been issued to the candidates in terms of the impugned order dated 10.10.2024, the same shall remain inoperative till the next date of hearing.”*

6. The petitioners in all other petitions except Writ Petition Nos.12106/2024 and 12175/2024 were not before the Tribunal. They all claim to have already been appointed and joined the respective posts pursuant to the selection and appointment orders issued even

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prior to the order of the Tribunal dated 29/10/2024. Considering such state of affairs, in all these petitions, ad interim reliefs were granted (except Writ Petition Nos.12212/2024, 12875/2024 and 12974/2024) on the previous dates protecting their appointments and further clarifying that those would be subject to the final outcome of the Original Application.

7. Though few issues have been raised like maintainability of these petitions, since the substantive application is *sub judice* before the Tribunal in respect of the petitioners who were not before the Tribunal when an interim relief was granted, it would always be open for them to take recourse to appropriate remedy of preferring a separate Original Application or seeking intervention in Original Application No.1283/2024 which is already pending. In order to extend them such opportunity, since the impugned order is apparently affecting their interest as well, by extending the ad interim relief that has been in operation in some of these matters till 14/12/2024 and granting those petitioners liberty to approach the Tribunal with an appropriate application, all these Writ Petitions are disposed of.

8. So far as fresh petitions wherein there is no ad interim relief, their appointments shall stand protected till 14/12/2024 granting

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them a similar liberty to approach the Tribunal with an appropriate application.

9. So far as Writ Petition Nos.12106/2024 and 12175/2024, since they are already before the Tribunal and as has been pointed out, on 26/11/2024 the Tribunal has even protected their interest in terms of the order passed by the High Court in the aforementioned matters wherein ad interim reliefs have been granted till 04/12/2024, even their appointments shall stand protected till 14/12/2024 to enable the Tribunal to actively consider all the applications which are already before it and that would be filed simultaneously.

10. All the issues are kept open.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk