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WRIT PETITION NO.2224 OF 2024

1. Deore Sachin Babaji]
2. Lad Sudhir Arjun]
3. Kanakdhar Swapnil Dattatray]
4. Jadhav Darshan Sanjay]
5. Andhale Suraj Keshav]
6. Tarange Prashant Madhukar]
7. Bhale Nilesh Narayan]
8. More Dnyaneshwar Devendra]
9. Nagargoje Akshay Laxman]
10. Ambre Pradip Vasant]
11. Thorat Aniket Amarsinh]
12. Joshi Aditya Sudhir]
13. Shinde Saurav Gokul]
14. Hukare Bhushan Manohar]
15. Kinge Akshay Ravindra]
16. Bagul Harshal Arun]
17. Narayan Raosaheb Gatkai]
18. Pawase Pranav Pramod]
19. Jagadish Kashinath Kuradal]
20. Pachore Rahul Ashok]
21. Yugandhar Sanjaykumar Torane]
22. Chavan Tanmay Sunil]
23. Kale Govind Vinayakrao]
24. Ekade Avishkar Rajkumar]
25. Naik Shivam Hanumant]
26. Pawar Aniket Dagdu]
27. Chavan Ganesh Mahendrasingh]
28. Rajput Pruthuviraj Padamsingh]
29. Burange Arun Bhagwan]
30. Manchore Jitendra Nabaji]
31. Gunjkar Shivprasad Shivdas]
32. Ware Keshav Digambar]
33. Bhujbal Sanket Mininath]
34. Pathak Saurabh Sanjay]
35. Gethe Rohit Arun]
36. Chetan Gulabrao Pawar]
37. Vaibhav Rajaram Mane]
38. Ghorpade Yogiraj Raosaheb] .. Petitioners

Versus

1. The State of Maharashtra,]
Through the Commissioner,]
State Selection Board and / or]
Commissioner for Soil and Water]
Conservation Department,]
Chhatrapati Sambhaji Nagar]
2. Maharashtra Public Service Commission,]
CBD Belapur, Navi Mumbai]
3. The Secretary,]
Soil and Water Conservation Board, Mumbai]
4. The Additional Chief Secretary,]
General Administration Department]
5. Vice Chancellor,]
Mahatma Phule Agricultural University, Rahuri]
6. Vice Chancellor,]
Vasantrao Naik Marathwade Agricultural]
University, Parbhani]
7. Vice Chancellor,]
Balasaheb Sawant Konkan Agricultural]
University, Dapoli]
8. Vice Chancellor,]
Punjabrao Deshmukh Agricultural University, Akola]
9. The Secretary, Agricultural Department,]
State of Maharashtra]
10. The Secretary,]
Higher and Technical Education Department,]
State of Maharashtra] .. Respondents

Mr. Ashish S. Gaikwad with Mr. Anirudh Rote, Advocates for the Petitioners.

Mr. Anoop Patil with Mr. Manish Navandar, Advocates for Respondent No.6 – Agriculture University.

Mr. B.V. Samant, Additional Government Pleader with Mrs. R.A. Salunkhe, Assistant Government Pleader for the Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 14TH AUGUST, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. In paragraph 5 of the order dated 16th February 2024, the date of the Government Resolution shown as “26th August 2011” shall be corrected to indicate it as “23rd August 2011”. The correction be carried out accordingly and corrected order be uploaded.
2. Rule. Rule made returnable forthwith and heard learned counsel for the parties.
3. The challenge raised in this writ petition is to an interlocutory order dated 14th February 2024 passed by the Maharashtra Administrative Tribunal, Mumbai Bench in Miscellaneous Application No.37 of 2024 in Original Application No.23 of 2024, thereby refusing to grant any interim relief as sought by the petitioners. The petitioners had prayed for permission to submit their application forms pursuant to an advertisement issued by the Maharashtra Public Service Commission for filling in vacant posts in the Soil and Water Conservation Department of the State Government viz. (i) Water Conservation Officer (Non-Gazetted) Class-II; (ii) Sub-Divisional Water Conservation Officer (Class-I) and; (iii) Water Conservation Officer (Class-II).
4. While issuing notice in the writ petition, this Court on 16th February 2024 granted ad-interim relief by observing that a prima facie case had

been made out by the petitioners. The petitioners were accordingly permitted to submit their application forms so as to enable them to appear for the examination that was scheduled on 20th February 2024.

5. Today the learned Additional Government Pleader submits that out of thirty-eight petitioners, twenty had appeared in the said examination. The result of the said examination that was conducted by the respondent no.1 is now required to be declared. For technical reasons, it would not be practicable to withhold the results of the present petitioners and thus it is submitted that results of all the candidates be permitted to be declared. He further submits that since the Original Application is pending before the Maharashtra Administrative Tribunal, the same can be decided on merits by issuing appropriate directions.

6. The learned counsel for the petitioners submits that there would be no prejudice caused if results of the twenty petitioners are accordingly declared.

7. In the light of the aforesaid, the following directions would serve the ends of justice :-

- (i) The respondents are permitted to declare the results of the examination that was conducted on 20th February 2024 for filling in vacant posts of (i) Water Conservation Officer (Non-Gazetted) Class-II; (ii) Sub-

Divisional Water Conservation Officer (Class-I) and;
(iii) Water Conservation Officer (Class-II) in the Soil
and Water Conservation Department of the State
Government.

This would include declaration of the petitioners' results. However, such declaration of the petitioners' results would be subject to final outcome of Original Application No.23 of 2024 that is pending before the Maharashtra Administrative Tribunal, Mumbai Bench.

- (ii) The respondents herein shall file their affidavit-in-reply to the said proceedings. The Tribunal is requested to decide the same expeditiously in accordance with law.
- (iii) It is clarified that observations made in the interim order are made only to consider the case for grant of interim relief. The same shall not be construed as expressing any opinion on the merits of the case.
- (iv) All contentions are kept open.

8. Rule is made absolute in the aforesaid terms. Petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]