



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8370 OF 2025

The State of Maharashtra and others ...Petitioners

Versus

Suhas Keshavgir Gosavi ...Respondent

.....
Mr. A.B. Girase, Government Pleader for the petitioner
.....

**CORAM : SHREE CHANDRASHEKHAR, CJ.
& RAVINDRA V. GHUGE, J.**

DATE : 17th OCTOBER 2025.

PER COURT :

The State of Maharashtra is aggrieved by the decision of the Maharashtra Administrative Tribunal, Bench at Aurangabad, in Original Application No. 769 of 2021.

2. By order dated 6th August, 2024, the aforementioned Original Application qua Suhas Keshavgir Gosavi was allowed restoring his seniority from the date of his joining the service on 20th October, 2013.

3. Mr. Girase, the learned Government Pleader refers to the clause (b) of Rule 5 of the Maharashtra Sub-Service

Departmental Examination (for the cadre of Talathis) Rules, 1997, which reads as under:-

“5 Consequences of failure to pass Examination.- If a Talathi who fails to pass the Examination within the time limit and chances specified in rule 4.

(a)

(b) shall lose seniority in the cadre of Talathi that is to say that he will be placed below all those who have passed the Examination before him and also below all those who are senior to such Talathis below whom he is placed and who may pass the Examination after him but within the period and chances specified in rule 4.”

4. Clause (b) to Rule 5, provides that if the Talathi fails to pass the Examination within the time limit and the chances specified in rule 4, he shall lose the seniority in the cadre of Talathi, that is to say that he will be placed below all those who have passed the Examination before him and also below all those who are senior to him and those who passed the Examination after him within the period and chances as specified in rule 4.

5. It is an admitted position that the applicant viz.

Suhas Keshavgir Gosavi has been confirmed in service. In legal parlance, the concept of confirmation in service is that the services of the employee shall be related back to the initial date of joining of service. Merely because the said applicant did not pass departmental examination within the prescribed time limit and prescribed attempts, his confirmation in service cannot be deferred to a different date. Even the provision under clause (b) of Rule 5, provides such consequences of assigning the date of confirmation in service from the date of passing of the departmental examination. The Tribunal in its order dated 6th August, 2024, has taken a correct view and held that Suhas Keshavgir Gosavi is entitled for restoring back his date of joining of 20th October, 2013. In so far as his seniority is concerned, there is sufficient indication in the said order to the extent that the seniority of Talathis shall reckon back from date of passing of the examination.

6. The writ petition No. 8370 of 2025 is dismissed.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)

rlj/