

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

WRIT PETITION NO.8692 OF 2024

1. Mangesh Sanjay Shelar
Age:29 years, Occu : Junior Engineer,
Office Address: Sub Divisional Engineer,
Jayakwadi Irrigation Sub Division No.05,
CADA Office Premises, Near Gajanan Maharaj
Mandir, Chh. Sambhajinagar.
2. Bhaskar Dattu Nampalli
Age: 33 years, Occu - Junior Engineer,
Office - Sub Divisional Engineer, Ujjani Canal,
Subdivision No.37, Solapur
3. Ganesh Sopan Tolmare
Age-31 years, Occu- Junior Engineer,
Office - Pune Irrigation Project Circle, Pune
District - Pune
4. Sadanand Kailas Shinde
Age: 34 years, Occu : Assistant Engineer Grade-1
Bembla Canal Subdivision No. 3, Kalamb,
Jodamoha Road Kalamb, Tq-Kalamb, Dist - Yavatmal
5. Vikas Prataprao Ghogare
Age: 33 years, Occu : Junior Engineer,
Office Address: Lift Irrigation Division Dharashiv
6. Jeevan Randhirsingh Hajari
Age: 34 years, Occu : Junior Engineer,
Office Address : Minor Irrigation Division No 1,
Chhatrapati Sambhajinagar.
7. Deepank Girish Kulkarni
Age: 33 years, Occu : Junior Engineer,
Office Address : Nira Deoghar Project,
Division Bhore, Pune
8. Amar Gopalrao Kadam
Age: 33 years, Occu : Junior Engineer,
Office Address : Superintending Engineer
and Administrator, Command Area Development
Authority, Latur

9. Amar Babasaheb Lokhande
Age : 34 years, Occu : Junior Engineer,
Office Address: Lift Irrigation Division, Dharashiv
10. Abhishek Avinash Pohare
Age: 33 years, Occ: Junior Engineer,
Office Address: Pandhari Medium Project
Sdn No.2 Warud, Dist. Amravati
11. Amol Mukund Chavan
Age : 30 years, Occ : Junior Engineer,
Office Address : Medium Irrigation
Division No-1, Solapur
12. Shubham Nirmal Patel
Age- 29 years, Occu - Junior Engineer,
Office - Hydro Electric Division No. 2,
Pune District- Pune
13. Shekhar Vijay Patare
Age-29 years, Occu- Junior Engineer
Office- Lendi Project, Sub Division No.3,
Bhaktapur, District- Nanded
14. Amol Ashok Patil
Age -27 years, Occu- Junior Engineer
Office - Mhaisal Pumphouse
Division No.2 Sangli, District- Sangli,
15. Dhairyasheel Rajendrakumar Patil
Age- 34 years, Occu.- Junior Engineer
Office - Gosikhurd Colony and Store Subdivision,
Gosikhurd, District- Bhandara.
16. Hitesh Uday Sonanis
Age - 28 years, Occu - Junior Engineer
Office - Minor Irrigation Subdivision, Khamgaon
District - Buldhana
17. Amarsinh Audumbar Awate
Age: 31 years, Occ: Junior Engineer,
Office Address: Kukadi Left Bank Canal,
Sub-division No. 12, Karmala, Tal. Karmala
Dist. Solapur

18. Rohit Shankar Jagtap
Age: 32 years, Occu : Junior Engineer,
Office Address: Bhima Canal Circle, Solapur
19. Akshay Pandharinath Lohar
Age: 32 years, Occu : Junior Engineer,
Office Address: Irrigation Subdivision Islampur,
Peth Wasahat, Islampur, Dist. Sangli.
20. Feroj Ashfak Kureshi
Age - 29 years, Occu - Junior Engineer
Office - Sub Divisional Officer, Irrigation Sub - Division,
Ambajogai, Dist. Beed.
21. Vikas Bajirao Dumbare
Age: 31 years, Occ: Junior Engineer
Office Address: Mula Project Subdivision No.3,
Ghulewadi, Sangamner, Tal. Sangamner, Dist. Ahmednagar
22. Akshay Jotiram Wakarekar
Age - 30 years, Occu - Junior Engineer
Office Sub Divisional Engineer
Warna Left Bank Canal Subdivision No.4,
Shirala (Hq. Islampur), Dist. Sangali
23. Shaikh Naseem Shakur
Age : 32 years, Occu : Junior Engineer
Office Address: Chief Engineer (WRD),
Water Resources Department, Ch. Sambhajinagar.
24. Ashutosh Sambhaji Dharme
Age-29 years, Occu-Junior Engineer
Office - Sub Divisional Officer
Krishna Canal Drainage Subdivision,
Karad, Dist. Satara
25. Abhijit Vinod Dorlikar
Age : 33 years, Occu : Junior Engineer,
Asolamedha Project Renovation, Division No.2,
Jaoli, Dist. Chandrapur.
26. Hemant Sadanand Gawli
Age : 30 years, Occu : Junior Engineer
Office Address: Pench Irrigation,
Sub Division, Nagpur.

27. Nitin Prakash Chavan
Age : 31 years, Occu : Junior Engineer
Office Address: Sub Divisional Engineer,
Irrigation Sub Division, Solapur.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Additional Chief Secretary,
Water Resource Department,
New Administrative Building,
Hutatma Rajguru Chowk, Mantralay,
Madam Cama Road, Mumbai.
2. The Chairman
Selection Committee (State Level),
Cum Executive Director Vidarbha
Irrigation Development Corporation,
Nagpur.
3. Viraj Maruti Bodhane
Age : 31 years, Occu : Junior Engineer
C/o. Chh. Sambhajinagar Irrigation Division,
Near Akashwani, Jalna Road, Ch. Sambhajinagar.
4. Sanjay Laxman Chaudhari
Age: 32 years, Occu : Junior Engineer,
C/o. Nashik Irrigation Division, Sinchan Bhawan,
Trimbak-Road, Nashik.
5. Ashiwini Gajanan Kshirsagar
Age: 31 years, Occu : Junior Engineer,
C/o. Executive Director, Godavari Marathwada Irrigation
Development Corpo, Near Akashwani, Jalna Road,
Ch. Sambhajinagar.
6. Ganesh Gopal Pradhan
Age : 32 years, Occu : Junior Engineer,
C/o Gosikhurd Colony and Store Subdivision,
Tal. Gosikhurd, District- Bhandara
7. Rohini Shankar Puri,
Age : 31 years, Occu : Junior Engineer
C/o. Irrigation Research Division, Kalwa-Thane,
Dist. Thane

... Respondents.

Shri. Jiwan J. Patil, Advocate for the Petitioners
Shri. P. S. Patil, Addl. G. P. for the Respondent Nos.1 & 2.
Smt. Suchita Satish Upadhyay, Advocate for Respondent Nos. 3 to 7

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CORAM : **S. G. CHAPALGAONKAR**
AND
NEERAJ P. DHOTE, JJ.

RESERVED ON : **04.07.2025**

PRONOUNCED ON : **12.08.2025**

FINAL ORDER (*PER* NEERAJ P. DHOTE, J.) :

. By the present Writ Petition under Article 226 of the Constitution of India, the Petitioners raised challenge to the order dated 02.07.2024 (for short, 'impugned order') passed by the learned Maharashtra Administrative Tribunal, Mumbai, Aurangabad Bench (hereinafter referred to as the 'Tribunal') not allowing the Petitioners to sue / prosecute the Original Application No.626 of 2024 (hereinafter referred to as the 'O.A.') jointly.

2. The Petitioners are the Government Servants and working as the Junior Engineers (non-Gazetted) in various divisions of the Water Resources Department across the State of Maharashtra. The Respondent No.1 is the State, the Respondent No.2 is the Chairman-cum-Executive Director of the Selection Committee (State Level) for Vidarbha Irrigation Development Corporation and Other Respondents are also the Government Servants like the Petitioners. The Respondent No.1 – State

published the provisional seniority list on 20.09.2023 and published the final seniority list on 16.04.2024 of the cadre to which the Petitioners and Respondent Nos.3 to 7 belong. In the final seniority list, the names of Respondent Nos. 3 to 7 are shown above the names of Petitioners and therefore, the above referred O.A. came to be filed before the learned Tribunal with Misc. Application No.230/2024 for permission to sue jointly. The said Application was heard by the learned Tribunal and by the impugned order, partly allowed the Application to the extent of the Applicants who are residing at the places within the jurisdiction of the Tribunal, Bench at Aurangabad and rejected the Application to the extent of the Applicants (Petitioners) who are not residing at the places within the jurisdiction of the Tribunal, Bench at Aurangabad.

3. It is submitted by the learned Advocate for the Petitioners that, the cause of action arose across the State of Maharashtra as the final seniority list was of the Government servants, who were working in the Water Resources / Irrigation Department across the State of Maharashtra. He submitted that, the learned Tribunal erred in partly rejecting the Application. He further submitted that, the similar issue has been dealt with by this Court in Writ Petition No.3228 of 2020 by order dated 21.09.2020 and places reliance on the same in support of the Petition. He submitted that, the Petition be allowed in terms of prayer clauses.

4. It is submitted by the learned Addl. G. P. appearing for Respondent Nos.1 and 2 that, as some of the Petitioners are not residing within the jurisdiction of the Tribunals Bench at Aurangabad, the learned Tribunal has rightly passed the impugned order and no interference is warranted.

5. Heard all the sides. Perused the papers on record.

6. According to the Petitioners, Misc. Application No.230/2024 in the O.A. No.626/2024 was filed to sue jointly since the Petitioners were aggrieved by the seniority list published by the Respondent No.1 at State level and cause espoused in the O.A. can be heard and decided by the common order. Further, according to the Petitioners, they would be benefited and multiplicity of litigation could be avoided, if the O.A. was heard and decided by common order and so the Misc. Application was filed to sue jointly. It is further the contention of the Petitioners that, to save the time and money of both the sides as well as of the adjudicatory machinery, the Application to sue jointly was filed. According to the Petitioners, since they were appointed through the same advertisement and they were aggrieved by one and the same seniority list which was being published contrary to the advertisement and seniority rules and they were having common interest, the said Misc. Application was filed.

7. The Administrative Tribunals and its Benches are established under Section 4 of the Administrative Tribunals Act, 1985 (hereinafter referred to as the 'Act of 1985'). In exercise of the powers conferred by sub-section (1) read with clauses (d), (e) and (f) of sub-section (2) of Section 35 of the Administrative Tribunals Act (13 of 1985), the Central Government made the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 (hereinafter referred to as the 'said Rules of 1988'). Rule 6 of the said Rules of 1988 provides for the place of filing Applications. It reads as under :-

'6. Place of filing applications.- The application shall ordinarily be filed by the Applicant with the Registrar of the Bench within whose jurisdiction -

- (i) the Applicant is posted for the time being, or*
- (ii) the cause of action has arisen, or*
- (iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides :*

Provided that the application may be filed with the Registrar of the Principal Bench and, subject to Section 25 of the Act, such application may be transmitted, to be heard and disposed of by a Bench which has jurisdiction over the matter."

8. The aforesaid Rule 6 of the said Rules of 1988 provides for three (3) windows for filing the O.A. They are, the place of Applicants posting; where the cause of action arose, and where the Respondent or any of the Respondents against whom relief is sought ordinarily resides.

9. The Judgment relied by the learned Advocate for the Petitioners in the above referred *Writ Petition No.3228 of 2020 (Nilesh Raosaheb Tagad and Others vs. State of Maharashtra and Others)* shows

that, the Original Application was filed before the Aurangabad Bench of the learned Tribunal challenging some clauses of the Advertisement which was published by the concerned department for filling the post of 'Assistant Inspector' of Motor Vehicles and Misc. Application and O.A. were rejected on the ground of territorial jurisdiction. This Court in the said Judgment considered the Rules 4 and 6 of the said Rules of 1988 and observed as follows :

“8. A tribunal may get the jurisdiction to entertain an application in any one of the contingencies referred to in Rule 6 of the Maharashtra Administrative Tribunal Rules. An applicant may file the application before the tribunal within whose jurisdiction he is posted or the cause of action has arisen or the respondent or any of the respondents against whom relief is sought, ordinarily resides.

9. Petitioner no. 1 is resident within the jurisdiction of the tribunal at Aurangabad, petitioner no.2 is resident within the jurisdiction of the tribunal at Mumbai and petitioner no.3 is resident within the jurisdiction of the tribunal at Nagpur.

10. If the place of residence would have been the only consideration, then the order of the tribunal would have been justified. It appears that the tribunal has failed to consider the other two contingencies i.e. where the cause of action has arisen or the respondent or any of the respondents against whom relief is sought, ordinarily resides. The advertisement of which Clauses 6.4.3 and 6.4.4 were under challenge is for filling in the posts throughout the State of Maharashtra. The advertisement is not restricted to filling in the posts at a particular place. The concept of cause of action has not been considered by the tribunal. The posts are to be filled in by the State Government and the said posts could be filled in by the State Government at any place in the State of Maharashtra. The advertisement is not limited to fill in the posts at a particular place. In that view, it cannot be said that the cause of action has not arisen within the jurisdiction of the tribunal at Aurangabad.

11. In light of the above, in our opinion, the tribunal committed an error in concluding that it has no territorial jurisdiction.

12. *In the instant case, Rule 5 of the Maharashtra Administrative Tribunal Rules would also be relevant. In the present matter, all these petitioners are aspirants to apply pursuant to the advertisement 2 of 2020, of whose clauses have been assailed. The cause of action and the nature of relief prayed for is same and the petitioners have a common interest in the matter. The discretion that vests with the tribunal is not an ordinary or an unregulated discretion but a judicious discretion which is expected to be exercised as per the judicial norms and legal principles. The tribunal has failed to consider the said aspect.*

13. *In light of the above discussion, the impugned order cannot be sustained. The impugned order is quashed and set aside. The tribunal shall consider the Original Application filed by the petitioners on its own merits.*

14. *Rule is accordingly made absolute on above terms.*

15. *Writ Petition is accordingly disposed of. No costs."*

10. From the above observations, it is seen that the Petitioners therein were not the public servants posted across the State. They were the candidates aspiring for entering the public services through the advertisement which was subjected to challenge. Therefore, for those Petitioners the window / contingency no. (i) of Rule 6 of the said Rules of 1988 i.e. place of posting, was not relevant or was not available.

11. As can be seen from the papers on record and on which there is no dispute is that, the Petitioners and the Respondent Nos.3 to 7 are the public servants and posted for the time being at different places across the State. For some Petitioners and for some Respondents the place of postings fall within the jurisdiction of the Principal Seat of the learned Tribunal at Mumbai, for some Petitioners and for some Respondents the place of postings fall within the jurisdiction of the Bench of the learned Tribunal at Nagpur, and for some Petitioners and

for some Respondents the place of postings fall within the jurisdiction of the Bench of the learned Tribunal at Aurangabad. Therefore, the interpretation of the said Rule of 1988 in the said Judgment relied by the learned Advocate for the Petitioners is distinguishable and cannot be applied as it is to the facts and circumstances of this case.

12. The learned Tribunal in the impugned order has observed that the 'cause of action' for challenging the final seniority had arisen at the respective places of the Applicants, where they came to know about the seniority list and the discrepancies therein, and further observed that there was no reason for those Applicants to approach the Bench of the Tribunal at Aurangabad instead of approaching the Tribunal within whose jurisdiction they were residing and within whose jurisdiction the cause of action arose.

13. The window / contingency no.(ii) of Rule 6 of the said Rules of 1988 is in respect of 'cause of action'. The term 'cause of action' came before the Hon'ble Supreme Court of India and this Court for interpretation on several occasions. Some of the authorities on the aspect of 'cause of action' are, *the State of Goa vs. Summit Online Trade Solutions (P) Ltd & Ors*, (2023) 7 SCC 791; *Union of India vs. Alapan Bandyopadhyay*, (2022) 3 SCC 133; *Union of India and Another vs. A. Shainamol, IAS and Another*, (2021) 20 SCC 267; *Shri. Asif s/o.*

Shaukat Qureshi vs. The State of Maharashtra, (2017) 2 MhLJ 178; Nawal Kishore Sharma vs. Union of India and Others, (2014) 9 SCC 329; Alchemist Ltd. And Another vs. State Bank of Sikkim and Others, (2007) 11 SCC 335; Kusum Ingots & Alloys Ltd vs. Union of India and Another, (2004) 6 SCC 254; Navinchandra N. Majithia vs. State of Maharashtra and Others, (2000) 7 SCC 640, Oil and Natural Gas Commission vs. Utpal Kumar Basu and Others, (1994) 4 SCC 711; and State of Rajasthan and Others vs. M/s. Swaika Properties and Another, (1985) 3 SCC 217. From the decisions in these cases, the ‘cause of action’ means every fact which would be necessary for the party to prove, if traversed, in order to support his right to the Judgment of the Court. In legal parlance the expression ‘cause of action’ is generally understood to mean a situation or state of facts that entitles a party to maintain an action in a Court or a Tribunal; a group of operative facts giving rise to one or more bases for suing; a factual situation that entitles one person to obtain a remedy in Court from another person. (Black’s Law Dictionary). In Stroud’s Judicial Dictionary a ‘cause of action’ is stated to be the entire set of facts that gives rise to an enforceable claim; the phrase comprises every fact, which, if traversed, the plaintiff must prove in order to obtain judgment. The collection of the words ‘cause of action, wholly or in part, arises’, seems to have been lifted from Section 20 of the Code of Civil Procedure, which Section also deals with the jurisdictional aspects of the Court. As per that Section,

the suit could be instituted in a Court within the local limits of the jurisdiction 'cause of action, wholly or in part arises'.

14. The Petitioners, who are not posted within the jurisdiction of the Tribunal which passed the impugned Order, failed to lay the foundation as to how the 'cause of action' arose for them within the jurisdiction of the Bench of the learned Tribunal which had passed the impugned Order. The reasons cited by the Petitioners in the above referred Misc. Application in the O.A. before the learned Tribunal even if taken to be good reasons, the provisions of the aforesaid Rule 6 cannot be given go-by. The reasons given by the learned Tribunal in the impugned Order cannot be said to be perverse or erroneous. The proviso to the above referred Rule 6 of the said Rules of 1988 provides for transmission for hearing and disposal to the Bench which has jurisdiction of the matter. Further, Section 18 of the Act of 1985 provides for distribution of business amongst the Benches. Sub-section (2) of the said Section 18 gives powers to the Chairman to decide the question as to whether any matter falls within the purview of the business allocated to the Bench of Tribunal. Further, the provisions of Section 25 of the Act of 1985 gives powers to the Chairman to transfer cases from one Bench to another, either on the Application of any of the parties or on his own motion. This indicates that, there are provisions in the said Act of 1985 and said Rules of 1988 to address the issues, one of which the

Petitioners are taking shelter i.e. same cause and to avoid multiplicity of proceeding and to save time. Be that as it may. When the Petitioners failed to establish that the 'cause of action' for them arose within the territorial jurisdiction of the Tribunals Bench, which passed the impugned order and the impugned order is based on the reasons which are in consonance with the Rule 6 of said Rules of 1988, no interference is called for in the impugned order and the Petition is liable to be dismissed and hence, the following order.

ORDER

- (i) The Petition stands dismissed.

(NEERAJ P. DHOTE, J.)

(S. G. CHAPALGAONKAR, J.)

GGP