



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 8393 OF 2023

THE STATE OF MAHARASHTRA, THR. DEPUTY SECRETARY, DEPARTMENT OF
HOME (POL-10), MUMBAI AND OTHERS

VS

SANJAYKUMAR FATTESING GADGE

WITH

WRIT PETITION NO. 8416 OF 2023

THE STATE OF MAHARASHTRA, THR. DEPUTY SECRETARY, DEPT. OF HOME
(POL-10), MUMBAI AND ORS

VS

SANJAYKUMAR FATTESING GADGE

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. D.V. Chauhan, G.P. a/b Mr. N.S. Rao, AGP for the respondent/State
Respondent-in person

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 03.12.2025

1. By these writ petitions, filed by the State of Maharashtra, the orders passed by the Maharashtra Administrative Tribunal dated 22.08.2022 in Original Application (OA) No.622 of 2021 and dated 05.09.2022 in OA No.648 of 2022, are under challenge.

2. A limited ground raised by the learned GP is that, in OA No.622 of 2021, the prayer was for grant of promotion to the post of Additional Public Prosecutor, despite the said fact, in absence of any prayer to set aside the departmental enquiry, the departmental enquiry was quashed and set aside vide order dated 22.08.2022.

3. It is submitted that the departmental enquiry was the subject matter of challenge in OA No.648 of 2022. The

learned Tribunal allowed the said OA, vide order dated 05.09.2022. Interestingly, though the departmental enquiry was already set aside vide order dated 22.08.2022 in OA No.622 of 2021, again the order of setting aside the same departmental enquiry was passed in OA No.648 of 2022.

4. Considering the above referred facts as pointed out by the learned GP and since the respondent who is appearing in person is not disputing the aforesaid facts, we are of the opinion that the OA No.622 of 2021 needs to be remanded back for the above referred reason.

5. Similarly, the OA No.648 of 2022 also needs to be remanded back since by the order dated 05.09.2022 passed in the said OA, the learned Tribunal set aside the departmental enquiry, which had already been quashed and set aside vide order dated 22.08.2022.

6. Accordingly, we pass the following order:

(i) The orders, dated 22.08.2022 passed in OA No.622 of 2021 and dated 05.09.2022 passed in OA No.648 of 2022, are hereby quashed and set aside and both the matters are remanded back to the learned Maharashtra Administrative Tribunal, Nagpur to decide the same afresh, after hearing both the parties.

(ii) The learned Maharashtra Administrative Tribunal, Nagpur shall decide both the Original

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Applications on or before 31.01.2026.

(iii) Parties shall appear before the learned Maharashtra Administrative Tribunal, Nagpur on 09.12.2025.

7. Accordingly, the petitions are **disposed of** in the above terms. No order as to costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)