



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

904 WRIT PETITION NO. 411 OF 2026

SHIVAJI DAGDU SIRSAT

VERSUS

THE DIRECTOR OF HEALTH SERVICES AND OTHERS

...

Advocate for the Petitioner :

Mr. P. M. Shinde h/f. Mr. Prashant B Jadhav

AGP for Respondent/State: Mr. A. R. Kale

...

**CORAM : ARUN R. PEDNEKER &
VAISHALI PATIL-JADHAV, JJ.**

DATE : 16.01.2026

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that Respondent No.5 has been appointed during the pendency of the proceedings before the Maharashtra Administrative Tribunal and his application on merits is not considered on account of the appointment of Respondent No.5.

The tribunal has noticed that, appointment of Respondent No.5 was challenged by the present petitioner earlier and an inquiry was conducted into the PAP category certificate issued to Respondent No.5. On inquiry, it was found to be genuine and, thereafter, the application of the applicant was dismissed. The applicant had also approached this court in Writ Petition No.8739

of 2022 and the same was dismissed. However, in the course of arguments in Writ Petition No.8739 of 2022 submission was made that Respondent No.5 has not joined. This aspect of Respondent No.5 not joining the post was not considered in Writ Petition No.8739 of 2022; as the issue was not before this court in Writ Petition No.8739 of 2022 and the petitioner was granted liberty to pursue his remedy with regard to his claim for appointment on account of non joining of Respondent No.5 before the appropriate forum.

3. As such, again the application no.319 of 2025 has been filed before the Maharashtra Administrative Tribunal. State in the proceedings before the tribunal produced the order of the appointment of Respondent No.5. Once Respondent No.5 is shown to be appointed and his appointment in earlier round of litigation is found to be valid, the petitioner has no case to be substituted in the place of Respondent No.5. Considering the same, there is no error found in the impugned order/s passed.

4. Considering the financial status of the petitioner, the costs imposed on the petitioner in Original Application No.913 of 2025, vide impugned order dated 14.11.2025, stands reduced to Rs.2,000/-.

5. The Writ Petition stands dismissed.

[VAISHALI PATIL-JADHAV, J.]

[ARUN R. PEDNEKER, J.]

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