



महाराष्ट्र शासन

महाराष्ट्र लोकसेवा आयोग

त्रिशूल गोल्ड फ़िल्ड, प्लॉट नंबर ३४, सरोवर विहार समोर, सेक्टर ११, सीबीडी बेलापूर, नवी मुंबई-४००६१४

०२२-६९३८५९००

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क्रमांक- मा.उ. न्या.-छ.सन/७२२८/२०२४/अड्डावीस

दिनांक- १९ जुलै, २०२४

प्रसिद्धीपत्रक

विषय :- रिट याचिका क्र. ७२२८/२०२४, ७२२९/२०२४ व ७२५४/२०२४ या प्रकरणातील मा. उच्च न्यायालय, औरंगाबाद खंडपीठ यांचे दिनांक १२ जुलै, २०२४ रोजीचे आदेश आयोगाच्या संकेतस्थळावर प्रसिध्द करण्याबाबत...

संदर्भ :- सहायक सरकारी अभियोक्ता, गट-अ, (जाहिरात क्र.- ०१/२०२२)

आयोगाद्वारे सहायक सरकारी अभियोक्ता, गट-अ (जा. क्र. -०१/२०२२) या पदभरतीच्या ५४७ पदांकरिता जाहिरात दिनांक ०७ जानेवारी, २०२२ रोजी आयोगाच्या संकेतस्थळावर प्रसिध्द करण्यात आली होती. सदर पदभरतीचा निकाल आयोगाच्या संकेतस्थळावर दिनांक १० ऑगस्ट, २०२३ रोजी प्रसिध्द करण्यात येऊन ५३१ उमेदवारांची शिफारस शासनास करण्यात आली.

२. सदर पदभरती प्रकरणी उमेदवार विठ्ठल शिंदे व अन्य उमेदवारांकडून मा. महाराष्ट्र प्रशासकिय न्यायाधिकरण, छत्रपती संभाजी नगर येथे दाखल केलेल्या मूळ अर्ज क्र.७७८/२०२३ या न्यायिक प्रकरणी दिनांक २८ जून, २०२४ रोजीच्या मा. न्यायाधिकरणच्या आदेशान्वये दिनांक १० ऑगस्ट, २०२३ रोजी प्रसिध्द करण्यात आलेला संदर्भित पदभरतीचा निकाल संबंधित आदेशाच्या दिनांकापासून चार आठवड्यात सुधारीत करण्याबाबत आयोगास निर्देश दिले होते. तथापि मा. न्यायाधिकरणच्या उपरोक्त दिनांक २८ जून, २०२४ रोजीच्या आदेशा विरोधात अन्य उमेदवार श्री. पंकज गजभिये व इतर, नितिन जाधव व इतर आणि मयूरी गव्हाणे यांच्याकडून मा. उच्च न्यायालय औरंगाबाद येथे दाखल केलेल्या रिट याचिका क्र. ७२२८/२०२४, ७२२९/२०२४ व ७२५४/२०२४ या प्रकरणी दिनांक १२ जुलै, २०२४ रोजी आदेश निर्गमित झाले असून मा. उच्च न्यायालयाच्या निर्देशान्वये, प्रस्तुत पदभरतीशी संबंधित उमेदवारांना सदर आदेश अवगत होऊन त्यांची या प्रकरणी काही भूमिका असल्यास ती मा. उच्च न्यायालया समोर विहित कालमर्यादेत स्पष्ट करण्याच्या दृष्टीने आयोगाच्या संकेतस्थळावर मा. उच्च न्यायालयाचे दिनांक १२ जुलै, २०२४ रोजीचे आदेश या सोबत येथे प्रसिध्द करण्यात आले आहेत.

३. प्रस्तुत प्रकरणाची पुढील सुनावणी दिनांक ३१ जुलै, २०२४ रोजी ठेवण्यात आली असून प्रतिवादी / संबंधित उमेदवार सदर सुनावणीच्या वेळी मा. उच्च न्यायालय, औरंगाबाद खंडपीठ यांचेसमोर त्यांची भूमिका व्यक्तीशः अथवा त्यांचे न्यायिक प्रतिनिधी (अॅडव्होकेटस) यांचेमार्फत मांडू शकतील.

ठिकाण :- नवी मुंबई

उप सचिव (सरळ सेवा - निकाल)

महाराष्ट्र लोकसेवा आयोग



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 7228 OF 2024

PANKAJ SUBHASHRAO GAJBHIYE AND ANOTHER
VERSUS
STATE OF MAHARASHTRA THROUGH ADDITIONAL CHIEF
SECRETARY AND OTHERS

WITH
911 WRIT PETITION NO. 7229 OF 2024

NITIN ARJUN JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS ADDITIONAL CHIEF
SECRETARY AND OTHERS

WITH
WRIT PETITION NO.7254 OF 2024

MAYURI SUBHASH GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Mahesh Deshmukh h/f Mr.Y.C.Patil, Mr.S.S.Thombre,
Mr.PR.Katneshwarkar, Advocate for the Petitioners in respective
Petitions.

Mr.S.K.Tambe, Mr.M.M.Nerlikar, AGPs' for Respondent/State.
Mr.R.S.Deshmukh, Sr.Advocate a/w Kunal Kale i/b Mr.Avinash
Deshmukh, Advocate for Respondent Nos. 3 to 13 in WP No.7228/2024
and WP No.7229/2024.

Mr.R.R.Karpe h/f Mr.S.S.Kurundkar, Advocate for Respondent No.14 in
WP No.7228/2024 and 7229/2024.

Mr.A.S.Khedkar, Advocate for Respondent Nos.19, 23, 32, 24, 52, 59, 64
and 68 in WP No.7229/2024.

Mr.Sanket Kulkarni, Advocate for Respondent No.15 in WP
No.7228/2024 and 7229/2024.

Mr.Sanket Kulkarni h/f Mr.Sameer Kurundkar, Advocate for Respondent
No.16 in WP No.7228/2024 and 7229/2024.

Mr.Sanket Kulkarni h/f Ms.Namita Thole, Advocate for Respondent No.17 in WP No.7228/2024 and 7229/2024.

Mr.M.K.Bhosale, Advocate for Respondent Nos. 27, 31, 56 and 64 in WP No.7228/2024.

Mr.H.PRandhir, Advocate for the Respondent/Caveator.

Mr.Mukul Kulkarni, Advocate for the Respondent/M.P.S.C.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : JULY 12, 2024

PER COURT :

1. WP No.7254/2024 is not on board. On a motion moved by the learned Advocate for the Petitioners, the same is taken on board.

2. The grievance of these Petitioners are directed towards the judgment dated 28.06.2024, passed by the learned Division Bench of the Maharashtra Administrative Tribunal in OA No.778/2023. The operative part of the impugned order below paragraph No.75 reads thus :-

“75. In the result, the following order is passed :-

ORDER

(i) Inclusion of the candidates belonging to reserved category who have availed the benefit of age relaxation in the list of the candidates –

eligible for recommendation for appointment to the post of Assistant Public Prosecutor, Group-A, published by respondent no.2 on 10.08.2023, is held unsustainable in law.

(ii) Consequently, respondent No.2 is directed to recast the list of the candidates – eligible for recommendation for the post of Assistant Public Prosecutor, Group-A. While recasting such list, respondent No.02 shall ensure that no candidate belonging to reserved category, who has availed the benefit of age relaxation, is recommended against the unreserved (Open) seat. It is clarified that the benefit availed of concession in fees by the reserved category candidates shall not be a barrier for their selection on the basis of their merit against the unreserved seats, if such candidates have not availed the benefit of age relaxation.

(iii) The aforesaid exercise is to be carried out by respondent No.2 within 4 weeks from the date of this order and respondent no.1 shall issue orders of appointment to the candidates who may be recommended, within 4 weeks thereafter.

(iv) The Original application stands allowed in the aforesaid terms, however, without any order as to costs.

(v) Misc. Application, if any, pending in the present O.A. stand disposed of.”

3. After the pronouncement of the order, the learned Advocate had mentioned before the learned Tribunal and considering the request made, the following order was passed.

“78. On a query made by us to the learned C.P.O. it is informed that till today no appointment orders are issued in favour of any of the candidates recommended in the list published on 10.08.2023.

79. In view of the fact that till today the State Government has not issued the appointment order in favour of any of the candidate recommended by respondent no.02 vide it's list published on 10.08.2023, we are inclined to accept the request made by the aforesaid respondents. Hence the following order :-

ORDER

(A) The effect and operation of the order passed by the Tribunal today shall stand stayed for 01 week from the day the order is uploaded on the official website of the Tribunal. Till the, the Respondent Nos. 1 to 3 shall maintain status-quo as on today in respect of the appointments of Assistant Public Prosecutors, Group-A.

(B) Steno copy of this operative order be issued to the learned C.P.O.”

4. Issue notice to all the Respondents in WP Nos.7228/2024 and 7229/2024 and Respondent Nos. 1 and 2 in WP No.7254/2024 (Considering the statement made by the learned Advocate for the Petitioners that no relief is being sought against the remaining Respondents.), returnable on 31.07.2024.

5. Let the pleadings be completed by 26.07.2024 and the copies of the affidavits in reply be shared with the colleague Advocates

either through e-mail or through hard copies. The compilation of judgments to be cited, tendered by Mr.Thombre, the learned Advocate, is taken on record. Leave to replace page Nos. 163 to 176 with appropriate legible copies in WP No.7228/2024.

6. Since the learned Advocate Mr.Mukul Kulkarni is on the panel of Senior Advocates for the MPSC and considering the issue involved, we requested him to assist the Court by accepting the service of notice on behalf of MPSC. He has graciously accepted the same and states that he would convey the filing of these Petitions to the MPSC.

7. The last order dated 28.06.2024 passed by the learned Tribunal, below paragraph Nos. 78 and 79 reproduced above, would continue until further orders. We are making an unusual request to the MPSC in the light of the anxiety expressed by the learned Advocates appearing for the Petitioners. There are several non applicants before the Tribunal whose addresses were not on record. Their addresses are available with the MPSC and the learned Tribunal had ordered that these persons should be served through the MPSC. We follow the same course and request the MPSC to upload this order drawn from the

official website of the Bombay High Court on its own website in clear words for the purpose for which it is been uploaded.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)