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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3326 OF 2017

Mrs. Suvidha Sushil Nikam Patil ...Petitioner
Vs.
Maharashtra Public Service Commission
through its Secretary and Anr. ...Respondents

Mr. V.P. Kakade a/w. Mr. Prabhakar M. Jadhav for the Petitioner
Mr. N.C. Walimbe- AGP for Respondent State

**CORAM : V.M. KANADE &
C.V. BHADANG, JJ**
DATE : APRIL 04, 2017

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned counsel appearing on behalf of the State.

2. By this petition, which is filed under Article 226 of the Constitution of India, the Petitioner is seeking the following reliefs:

“(a) That this Hon'ble Court may be pleased to issue and Order/or Direction in the nature of a Writ, thereby declare the reduction of posts of Open Female category is itself violating the fundamental rights of the Petitioner and be quashed and set aside;

(b) That this Hon'ble Court may be pleased to issue

and Order/or Direction in the nature of a Writ, thereby directing the Respondent No.2 to withdraw the said declaration dated 17.09.2016 issued by the Respondent No.2 through its Under Secretary;

(c) This Hon'ble Court may be pleased to further direct the Respondents to recommend the Petitioner to the post of Assistant Professor, Civil Engineering, Non Autonomous, Government Engineering Colleges, Maharashtra Engineering Colleges, Teachers Service, Group-A as per the original advertisement No. 111/2014 dated 3.4.2014, Department of Higher and Technical Education”.

3. The learned counsel for the Petitioner submits that as a result of the decision taken by the State to reserve certain posts for the persons with disabilities, there is a reduction in number of posts which are for open female category.

4. In our view, the advertisement, which was issued on 3rd April, 2014, itself puts the candidates under notice that the number of posts, which are mentioned in the said advertisement, are likely to be reduced on account of reservation. It is not opened, therefore, for the Petitioner to challenge the reduction of the posts since they have now been reserved for persons with disabilities as per the provisions of the Persons with Disabilities

(WP 3326 of 2017)

(Equal Opportunities, Protection of Rights and Full Participation)
Act, 1995.

5. So far as the other prayers are concerned, also the same cannot be entertained and no direction can be given as prayed by the Petitioner in terms of prayer clauses (b) and (c). Hence, writ petition is dismissed / disposed of.

[C.V. BHADANG, J.]

[V.M. KANADE, J.]

Vaishali Tikan