

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

923 WRIT PETITION NO. 7647 OF 2020

**NIKITA ASHOK KHADEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners: Mr. Munde Sandeep D.
AGP for Respondents/State: Mr. K. B. Jadhavar

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**CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATE: 06th NOVEMBER, 2020

PER COURT:

1. The petitioners have filed Original Application before the Maharashtra Administrative Tribunal challenging the action of the Maharashtra Public Service Commission in postponing the Maharashtra Subordinate Services Non Gazetted Group - B Combine Preliminary Examination, 2020.

2. Mr. Munde, learned Counsel for the petitioners strenuously submits that the tribunal failed to grant interim order. There is no reason mentioned in the Notification postponing the examination. Four times the MPSC has postponed the said examination. Now, the effect of pandemic has

also decreased. The learned Counsel submits that elections are held wherein many more persons are involved. There is no reason to postpone the examination. The learned Counsel submits that the career of lacs of students is at stake. Their rights are affected. The respondents are not following orders passed by the Apex Court. The State ought to revise the advertisement and rearrange the allocation of reservation. The respondents are duty bound to revise advertisement excluding 13% reservation to SEBC category and also allocate the said seats as per reservation roster point. Total 79 posts are reserved for SEBC candidates. The authorities are bound to distribute the said seats as per reservation roster point. The seats for Open category candidates as well as NT-C and NT-D candidates will increase. The cancellation of examination would tantamount to violation of fundamental rights of the petitioners.

3. We have heard the learned A.G.P. for the respondents.

4. The petitioners have already filed the Original Application before the tribunal. The tribunal has issued notice and kept the matter on 26.11.2020. The tribunal is seized with the matter. By an interim order, it would not be possible to take a final decision concerning the policy decision of the State.

5. The petitioners also agree that advertisement will have to be issued re-arranging the reservation. The same will have to be done before the conduct of the examination, even according to the petitioners. In light of the said fact also, it would not be possible to consider the interim prayers of directing not to postpone the examination.

6. The tribunal is seized with the matter. The tribunal would consider the request of the petitioners for disposal of the Original Application on merits, expeditiously.

7. In light of the above, writ petition is disposed of.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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