

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2538 OF 2021
IN
WRIT PETITION NO.3297 OF 2021**

Maharashtra Rajya RBSK
Doctors Va Karmachari Sanghatana ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Kranti L. C. i/b Mr.Kaustubh R. Gidh for the Applicant.
Mr.S.B.Kalel AGP for the Respondent-State.

**CORAM : PRASANNA B. VARALE &
MADHAV JAMDAR, JJ.**

DATED : 21ST OCTOBER, 2021

P.C:-

1. Heard learned Counsel for the Applicants and learned AGP for the Respondent-State.
2. The Applicants are members of the Petitioner-Association, namely, Maharashtra Rajya RBSK Doctors Va Karmachari Sanghatana. The Applicants have placed on record list of members of the Petitioner-Association of category Pharmacist at Exhibit-A Pages 14 to 16. Learned Counsel for the Applicants submitted that the Applicants were initially entered in the service of State Government as contractual employees. The Applicants have approached the State Government for absorbing them in the State Government services by extension/regularization of the age. The Committee was constituted by the State Government to consider the issue.

3. Learned Counsel for the Applicants then submitted that the State Government issued advertisement for filling up posts in category “C”. There are various categories of the employees working in the health department such as lab technicians, Pharmacist etc.

4. Learned Counsel for the Applicants then invited our attention to the order passed by this Court dated 20th September, 2021 in Interim Application No. 2391 of 2021 in Writ Petition No.704 of 2021 to which one of us was party (Prasanna B. Varale J.). It is submitted that Applicants are similarly circumstanced with the Applicants in Interim Application No.2391 of 2021. It was submitted before this Court that initially examination for selection of the candidates in group C category posts was scheduled on 16th October, 2021 and 17th October, 2021 but by circular dated 29th September, 2021 the date of examination was extended and now scheduled on 24th October, 2021. A copy of the Government circular dated 29th September, 2021 is taken on record and marked “X” for identification. Learned Counsel for the Applicants submits that as the Applicants are similarly situated to the Applicants in Interim Application No.2391 of 2021 in Writ Petition No.704 of 2021 the Applicants also prayed for equal treatment and prayed for similar direction.

5. On perusal of the material placed on record as well as perusal of the order of this Court dated 20th September, 2021, we find that there is considerable merit in the submissions made by learned Counsel for the Applicants.

6. At this stage learned AGP submitted that it will be very difficult for the Respondent-State to permit the Applicants for examination scheduled

on 24th October, 2021 due to time constraint. Learned AGP submitted that as per earlier time table of the examination, the candidates were required to submit their online applications within a period of 20 days and subsequently the eligible candidates were permitted to download the hall ticket within span of 10 days from 6th October, 2021 to 15th October, 2021.

7. Though learned AGP opposed the Application on the ground of time constraint, considering the fact that in similar circumstance and similarly situated Applicants were permitted to attend examination vide order dated 20th September, 2021 we permit the Applicants to submit their application form by way of physical mode. We see no reason to give different treatment to the present Applicants. Apart from this considering the fact that number of those desirous candidates/applicants is limited one i.e. 31 candidates, in our opinion, the State Government may not face administrative and other difficulties by permitting the Applicants who are 31 in number to attend the examinations schedule on 24th October, 2021.

8. By way of interim order, the Respondents are directed to permit the Applicants to participate in recruitment process initiated pursuant to the advertisement dated 6th August, 2021 and the corrigendum dated 20th August, 2021 and for this purpose to accept the applications of said 31 candidates.

9. Accordingly, the Applicants i.e. 31 candidates are permitted to submit application form by way of physical mode with Respondent No.5 – Additional Director of Health, State Health and Family Welfare, Pune on or before 22nd October, 2021 till 4 pm and if such applications are submitted within stipulated period i.e. before 4 pm on 22nd October, 2021, the Respondents to accept the same and issue hall tickets to these candidates

and allot centres so as to facilitate them to attend examination scheduled on 24th October, 2021.

10. Needless to state that permission granted to participate in the recruitment process shall be subject to final decision/outcome of the Writ Petition.

11. In view of above, the interim application stands disposed of.

12. Learned AGP to inform the order to all the concerned respondents at the earliest.

13. The present petition be tagged along with Writ Petition No.704 of 2021.

14. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[MADHAV JAMDAR, J.]

[PRASANNA B. VARALE, J.]