

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3140 of 2021**

Ajitkumar Ramchandra Pawar and ors.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mr. Y. P. Deshmukh along with Ms. Vaidehi Deshmukh and Ms. Sonali Pawar i/b. Mr. Akshay R. Kapadia, advocate for the petitioners.
Ms. Ashwini A. Purav, AGP for respondent Nos. 1 and 2.
Mr. Abhijeet Desai, advocate for respondent No.3-MPSC.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 7th DECEMBER, 2021.

P.C. :

1. Heard Mr. Deshmukh, learned counsel for the petitioners, Ms. Purav, learned AGP for the State and Mr. Desai, learned counsel for respondent No.3.

2. The petitioners are the persons who have appeared for Maharashtra Finance and Accounts Services Class-III Examination conducted by respondent No.3 – MPSC. The grievance raised in the petition, in short, was changing of the rules of the game after the game has started. Notice was issued and the petition was listed before this Court on several dates.

3. Mr. Deshmukh, learned counsel for the petitioners, invited our attention to the order dated 23rd September, 2021 passed by the

Aurangabad Bench of this Court in bunch of petitions. Mr. Deshmukh submitted that an identical issue was raised in those petitions and the petitioners therein were similarly circumstanced with the present petitioners.

4. Thus, the submission of Mr. Desai, learned counsel for respondent – MPSC is that the petitioners are having an efficacious remedy and without availing that remedy, the petitioners could not have approached this Court. Reliance is also placed on the order dated 24th October, 2016 of this Court in Sonali Bodraj Moon versus the Chief Secretary and ors. in civil writ petition No.10884 of 2015 and connected matters. Perusal of the order passed by the Division Bench shows that the petitioners were permitted to approach the Maharashtra Administrative Tribunal.

5. Mr. Deshmukh, learned counsel for the petitioners submitted that the Division Bench of this Court in the order dated 24th October, 2016, considered the issue of delay. Mr. Deshmukh submitted that under the bonafide belief the petitioners have approached this Court immediately and the aspect of delay may not be a hurdle for the petitioners to raise their grievance before the Maharashtra Administrative Tribunal.

6. Considering the above referred submissions, we deem it appropriate to pass the following order :

ORDER

- 1) The petitioners are at liberty to approach the Maharashtra Administrative Tribunal by filing fresh application before the Tribunal.
- 2) In view of the facts that the petitioners have approached this Court immediately raising their grievance, the Tribunal shall not take any objection on account of limitation or delay in filing the application. As a matter of abundant caution, we condone the delay in filing the matter before the Maharashtra Administrative Tribunal.
- 3) The petitioners are at liberty to make an application for early hearing of the petition.
- 4) The application filed by the petitioners to be tagged along with original application No.1235 of 2019 and other connected original applications pending before the Maharashtra Administrative Tribunal, Principal Seat at Mumbai, for final hearing and consideration as the issue involved is an identical one.

With these observations, the writ petition is disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)