

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

951 WRIT PETITION NO.4091 OF 2022

**SANDIP SHIVAJI MARKAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Ambekar Arvind G.
AGP for Respondent Nos. 1 to 3 : Mrs. M.A. Deshpande
Advocate for Respondent Nos. 4 & 5 : Mr. V.S. Sakhare h/f Mr. S.A. Ambad

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 24.08.2022.

PER COURT : (PER : SANDEEP V. MARNE, J.)

We have heard both the sides.

2. The only grievance that petitioner raised before the Tribunal was that the reservation for disabled candidate (PH category) ought not to have been applied horizontally and the same should have been applied vertically without impinging upon the reservation meant for OBC category. It was the case of the petitioner that on account of two PH category candidates being allotted to OBC category, two vacancies in OBC category came to be consumed thereby affecting the right of the petitioner for seeking employment against one of them.

3. The Tribunal has relied upon the Government Resolution dated 29.05.2019 which prescribes the modalities for filling up the posts of physically handicapped persons. Undeniably, the reservation for PH category

is required to be applied horizontally. We do not find any jurisdictional error has been committed by the Tribunal while dismissing the original application.

4. The Writ Petition is dismissed. No costs.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-