

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14540 OF 2022**

Mrs. Shubhangi Sunil Patil and Ors.	} }	Petitioners
versus		
Maharashtra State Road Transportation Corporation and Ors.	} } }	Respondents

Mr. Vijaykumar Bhima Dighe with
Dhwani Vyas for the petitioners.

Mr. Nitesh Bhutekar with Ms. Gargi
Warunjikar and Mr. Aniket Nangare for
respondents 1 and 2.

Mr. Ajit Shivaji Gaikwad, General
Manager (Personnel) MSTRC, Mumbai
present.

**CORAM: DIPANKAR DATTA, CJ. &
ABHAY AHUJA, J.**

DATE: DECEMBER 9, 2022

P.C.:

1. Mr. Bhutekar, learned advocate for the respondents 1 and 2, submits that in compliance with the order dated 25th November 2022, the petitioners have been provisionally permitted to appear in the written examination scheduled on 27th November 2022. He further submits that the process of evaluation is in progress, but because of the order of injunction granted on 25th November 2022, the Maharashtra State Road Transportation Corporation (hereafter "the Corporation", for short) is not in a position to finalize the results. It is also submitted by him, on instructions received from the General Manager of the Corporation, who is present

in Court, that as a special case, the petitioners would be considered for promotion and depending on the results of the examination conducted on 27th November 2022, appropriate follow up action in accordance with law shall be taken.

2. In view of the above, this writ petition stands worked out. The order of injunction is lifted and the Corporation is granted liberty to publish the results. While finalizing the process of selection, the Corporation shall be at liberty to take appropriate decision if any departmental inquiry against any of the petitioners is pending.

3. We hope and trust that the Corporation shall pass appropriate orders if the petitioners are found to be otherwise eligible for promotion; however, they shall not be declared ineligible only because they do not possess the requisite period of service by the cut-off date, a condition which was impugned in this writ petition.

4. Needless to observe, the petitioners shall also be at liberty to pursue their legal remedies in accordance with law if they are either aggrieved by the results of the examination or if they are otherwise declared ineligible by the Corporation to participate in the selection process.

5. By way of abundant caution, we make it clear that the petitioners shall not be considered to be ineligible merely because of their shortfall in the requisite experience.

6. With the aforesaid directions, the writ petition stands disposed of. No costs.

7. All other contentions are left open.

(ABHAY AHUJA, J.)

(CHIEF JUSTICE)