

PMB

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

WRIT PETITION NO. 2462 OF 2019

Union of India through the
Administrator and ors. .. Petitioners
vs.
Patel Meenaben Amrutlal and ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 3759 OF 2022
IN
WRIT PETITION NO. 2462 OF 2019**

Dr. Dipa Lalitchandra Joshi and ors. .. Applicants

IN THE MATTER BETWEEN

Union of India and ors. .. Petitioners
vs.
Patel Meenaben Amrutlal and ors. .. Respondents

Mr. Hiten S. Venegaonkar for petitioners.

Dr. Suresh T. Mane for respondent nos. 8 to 25 and 53 to 56 in WP/2462/2019.

Mr. Rahul Walis for respondent in WP/2462/2019 and for respondent nos. 1, 3, 4, 6, 7 in IA/3759/2022.

Mr. Vicky A. Nagrani for applicants in IA/3759/2022.

Mr. Shakoor Hanif Lakhani, LDC, Directorate of Education, Daman present.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : JUNE 22, 2022.

P.C. :

1. The Central Administrative Tribunal, Mumbai Bench, Mumbai by its order dated December 21, 2018 dismissed several original applications. The concluding paragraph of such order reads as follows: -

"92. However, respondents are additionally directed to review their selections and the select list prepared by them based on the illegal and unconstitutional award of 20 marks for domicile and then to arrive at a fresh selection list and to decide on the eligibility of candidates and their selection on that basis. For this purpose, three months time is granted to respondents to prepare a fresh selection list in respect of the advertisements impugned in these batch of cases. Further, until this Selection List is declared as above, the applicants who are presently in service by virtue of interim orders shall not be disengaged by respondents."

2. In this writ petition, the directions contained in paragraph 92 have been subjected to challenge by the Administrator, Union Territory of Daman & Diu and Dadra & Nagar Haveli.

3. Today, Mr. Venegaonkar, learned advocate for the Administrator, fairly submits that in view of the decisions of the Supreme Court reported in (2002) 6 SCC 562 (**Kailash Chand Sharma vs. State of Rajasthan and others**) and (2019) 14 SCC 179 (**State of Rajasthan vs. Nemi Chand Mahela and others**), the directions given by the Tribunal

in paragraph 92 are unexceptionable. He has, therefore, invited us not to interfere with such directions.

4. The fair submission of Mr. Venegaonkar is appreciated. The contents of paragraph 92 of the impugned order are not disturbed and the writ petition stands dismissed. No costs.

5. In view of the aforesaid order, nothing survives for decision in the interim application and the same stands disposed of. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)