

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

WRIT PETITION NO. 2193 OF 2022

The Secretary, Union Public	}	
Service Commission	}	Petitioner
versus		
Miss. Monica Mohanlal	}	
Chawla alias Mrs. Mahak	}	
Arun Khatwani and Ors.	}	Respondents

**WITH
WRIT PETITION NO. 3205 OF 2020**

The Secretary, Union Public	}	
Service Commission	}	Petitioner
versus		
Shri. Atul Kumar Singh	}	
and Ors.	}	Respondents

**WITH
WRIT PETITION NO. 2195 OF 2022**

The Secretary, Union Public	}	
Service Commission	}	Petitioner
versus		
Smt. Teena Shivnani	}	
and Ors.	}	Respondents

**WITH
WRIT PETITION NO. 2199 OF 2022**

The Secretary, Union Public	}	
Service Commission	}	Petitioner
versus		
Jyoti Arun Gawande and Ors.	}	Respondents

**WITH
WRIT PETITION NO. 3206 OF 2020**

The Secretary, Union Public Service Commission	}	
	}	Petitioner
versus		
Surekha Babu Nakman and Ors.	}	
	}	Respondents

Dr. Vinod Joshi with Dr. Lata Patne for petitioner.

Mr. Anil Singh-Additional Solicitor General with Mr. Rui Rodrigues and Mr. D. P. Singh for UoI.

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

DATE: MARCH 16, 2022

P.C.:

1. This bunch of writ petitions is at the instance of the Secretary, Union Public Service Commission (hereafter "the Commission", for short).
2. The subject matter of challenge is a common order dated 28th November 2019 passed on a batch of original applications, instituted before the Central Administrative Tribunal, Mumbai Bench, Mumbai (hereafter "Tribunal", for short) by employees working in the office of the Registrar of Trade Marks on contractual basis. The Commission having issued an advertisement inviting applications from eligible candidates for appointment on vacant posts of Examiner of Trade Marks, the original applicants had approached the Tribunal seeking orders permitting them to participate in the

selection process upon condonation of age bar. Since 28th November 2019 was the last date for submission of applications in terms of the advertisement, the Tribunal proceeded to pass the following interim order:

“(xiii) However, at this stage, without going into detailed merits of the OAs, considering the facts that the present applicants were appointed on contract basis by the respondents by selection after inviting applications through public advertisement, today is the last day for submission of the online applications and the interim relief granted by this Tribunal in some other similar cases, we grant interim relief to the applicants by directing the respondent no. 2 i.e. Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi to allow these present 16 applicants to submit their online applications, failing which offline applications, on purely provisional basis and if they participate in the selection process, their results should be kept separately in a sealed cover, which may be opened only after final disposal of these OAs by this Tribunal.

However, we make it further clear that by this allowing of submissions of applications by these 16 applicants, no any right whatsoever will accrue to them for any special consideration or benefit under the applicable Trade Marks and Geographical Indications Registry (Registrars and Examiners) Recruitment Rules, 2011 and other instructions of the Central Government in this regard.

Reschedule all these OAs for orders on 22.01.2020.”

(underlining in original)

3. Mr. Joshi, learned counsel for the Commission contends that in compliance with the order dated 28th November 2019, the original applicants were allowed to participate in the examination on provisional basis; however, their results have been kept in a sealed cover till such time the original applications are finally heard. However, it is his grievance that the Division Bench of the Tribunal, comprising of a Judicial and an Administrative Member, is not available for the last

several months and, therefore, he has urged us to consider whether the original applicants are at all entitled to any relief as claimed in the original applications.

4. We have been informed in course of hearing that a Division Bench comprising of a Judicial and an Administrative Member would be available from next week.

5. In such view of the matter, we find no reason to keep this writ petition pending for the purpose of examining the challenge laid to the impugned order dated 28th November 2019 as well as to the maintainability of the proceedings before the Tribunal.

6. The writ petition stands disposed of granting liberty to the parties to approach the available Bench of the Tribunal for early hearing of the original applications. There shall be no order as to costs.

7. All contentions are left open.

SALUNKE
J V

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by SALUNKE J V
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(M. S. KARNIK, J.)

(CHIEF JUSTICE)