

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3620 OF 2021

Vasudha Mansing Chaudhary

....Petitioner

V/S

State of Maharashtra & Ors.

....Respondents

...

Dr. Uday P. Warunekar for the Petitioner.

Mr. V.M. Mali, AGP for Respondent No.1-State.

...

**CORAM : S.V. GANGAPURWALA &
SANDEEP V. MARNE, JJ.**

DATE : 19 JULY 2022.

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned AGP. None appears for Respondent Nos.3 and 4 though the Affidavit is filed on record.

2 The grievance of the Petitioner is that the Petitioner was selected by the Selection Committee for the post of Assistant Professor (Chemistry) to be appointed in Respondent No.4-College. The Petitioner had also sought the benefit of SEBC. The learned Counsel for the Petitioner relies upon the Government Resolution dated 15 July 2021 to contend that the posts which were reserved for EWS and if reservation for EWS is not available then the same be considered from General Category.

3 The learned AGP submits that the Petitioner had applied from SEBC so also General Category. The Petitioner could not apply for both the posts. For the academic year 2018-19 only 18 posts are available and 18 Professors are filled in. For the year 2019-20 19 posts of Assistant Professor are available.

4 We would be concerned with the selection process for the academic year 2019-20. The Selection Committee according to the Petitioner had recommended the Petitioner for the post of Assistant Professor (Chemistry) in the selection process held on 10 June 2019.

5 The SEBC reservation has been struck down by the Supreme Court. All those posts are required to be considered as General Category. The Government Resolution dated 15 July 2021 deals with the contingencies as would be occurring in the present matter. The said Government Resolution states that if the recommendation is made for appointment prior to 9 September 2020 but the appointment is not made even after 9 September 2020 on the SEBC post then if the EWS reservation does not exist the said post will be converted to General post. In that event the candidate would be

considered for General Category. The Petitioner contends that the process was concluded on 10 June 2019 when the Selection Committee had recommended the Petitioner as against the post reserved for SEBC. As SEBC reservation has been set aside, the said post will have to be considered from the General Category. In light of the above, the Respondents shall take steps in view of the Government Resolution dated 15 July 2021 and proceed further. The necessary steps shall be undertaken preferably within six weeks.

6 The Writ Petition accordingly disposed of. No costs.

(SANDEEP V. MARNE, J.)

(S.V. GANGAPURWALA, J.)

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