

Basavraj
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15549 OF 2022**

Ram Deepak Agrawal & Ors. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

Mr. Ashwin V. Sakolkar for the Petitioner
Mr. M. M. Pable, AGP for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
S.G.CHAPALGAONKAR, J.**

DATED : DECEMBER 19, 2022

P.C.

1 We have heard Mr.Sakolkar, the learned Counsel for the
Petitioners and the learned GP for the Respondents.

2 Mr. Sakolkar, learned counsel submits that the Petitioners had
applied from EWS category. This Court, under its order dated
December 1, 2022 in Writ Petition No.14772 of 2022 had restrained
the Government from issuing any appointment letters to fill up the
quota of 111 posts reserved for the candidates of EWS by SBEC
candidates till a final decision is pronounced by the Tribunal on the
Original Application.

3 The learned Counsel for the Petitioners submits that there are
only 94 candidates of SEBC and the posts meant for EWS are 111.
Even otherwise, beyond 94 posts, the EWS candidates can always be
considered. The learned Counsel submits that the Petitioners are

top 17 candidates in the EWS. Even otherwise, they would be given appointment. The Respondents may be directed to consider the case of the Petitioners.

4 The learned AGP submits that the matter is already pending before the Tribunal. This Court, under the said order dated 1st December 2022 had observed that the SEBC candidates can approach the appropriate forum, if they are entitled to be considered for appointment on open posts but are not considered.

5 The issue is already *sub judice* before the Tribunal. The Tribunal can consider the case of the Petitioners also on the ground of excess seats available in EWS category i.e. seats which are available more than the seats available for SEBC candidates.

6 As the Tribunal is already seized with the matter, it is for the Tribunal to consider the issue raised by the Petitioners.

7 In light of that, the Writ Petition is disposed of with liberty to the Petitioners to approach the appropriate Forum / Tribunal. In that event all contentions are kept open.

8 The parties to act on an authenticated copy of this order.

(S.G.CHAPALGAONKAR, J)

(ACTING CHIEF JUSTICE)