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

WRIT PETITION NO. 15758 OF 2022

Smt.Nishigandha Pashte and Anr. Petitioners

Vs.

The Secretary, Maharashtra Public Service
Commission & Anr. Respondents

Mr.Sachin Dhakephalkar for the Petitioners
Mr.B.V.Samant, A.G.P. for the State

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

DATED : DECEMBER 21, 2022

P.C.

1 We have heard the learned Counsel for the Petitioners.

2 The Petitioner is challenging the advertisement for the post of Assistant Commissioner (Drugs). The Petitioner is also challenging the order of the Tribunal dated 09.12.2022 and seeks further confirmation of the order dated 28.09.2022 passed in Original Application.

3 Under order dated 28.09.2022 passed in Original Application No.677 of 2022, the Tribunal had set aside the advertisement, so also, quashed the selection process, purportedly on the ground that the qualification suggested in the advertisement is not in consonance

with the recruitment rules.

4 After about two months, MPSC filed Misc. Application for recalling the order passed in Misc. Application No.629 of 2022. The Tribunal under order dated 09.12.2022 considered the said Application and passed an order thereby allowing MPSC to issue corrigendum in advertisement No.020 of 2022 by giving the correct educational qualification and directed selection process to continue.

5 The learned Counsel for the Petitioner strenuously contends that the Tribunal could not have recalled the earlier order. The Tribunal does not have the power to do so. After two months, the said order is recalled. The learned counsel further submits that time of eight days given is also too short. No wide publicity is given to the corrigendum. Syllabus also has to change as the subject is also changed.

6 We have also heard the learned A.G.P.

7 In fact, under the impugned order, those persons who had already applied earlier, would stand to gain and further fresh applications are also invited thereby giving the wider scope.

8 The arguments of the learned Counsel for the Petitioner that sufficient publicity has not been given so also sufficient time has not

been given to the corrigendum, cannot be comprehended. The Petition is filed on December, 17, 2022. As per the learned A.G.P., candidates have time upto 23.12.2022 to apply. Still time exists for the candidates to make the Application. The earlier candidates who have already applied, according to the learned A.G.P. would be also considered. In a way, the impugned order of the Tribunal would be in the aid of the candidates.

9 Even as per the learned Counsel for the Petitioner, after several years such an advertisement is issued. If again selection process is stalled, it would be against the interest of the candidates.

10 In light of the above, we are not inclined to entertain the Writ Petition.

11 Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR, J.)

(ACTING CHIEF JUSTICE)