

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 1856 OF 2020

(Pravin s/o Haribhau Ghosekar & Ors. Vs. The State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.B. Patil, Advocate for the petitioners.
Ms. S.S. Jachak, Assistant Government Pleader for respondent Nos. 1 to 3/ State.
Shri B.G. Kulkarni, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 19, 2022.

Heard.

The petitioners were aggrieved by non-provision of reservation to the members of the Other Backward Class category in the matter of recruitment that was sought to be undertaken by respondent No.4 – University. In that backdrop, the Government Resolution dated 22/8/2019 as well as the Employment Notice dated 20/3/2020 were sought to be challenged in this Writ Petition. While issuing notice, an interim order was passed restraining issuance of orders of appointments.

The University has now moved Civil Application No. 2800/2022 stating therein that in the meanwhile, the Central Educational Institutions (Reservation In Teachers' Cadre) Act, 2019 and the Maharashtra Education Institutions (Reservation in Teachers' Cadre) Act, 2021 have come into force. Pursuant thereto, the State Government on 11/4/2022 has issued a Government Resolution prescribing reservation for various categories including members of the Other Backward Class category. It is stated that the reservation now would be for the entire cadre and not based on any subject. Along with the application, the advertisement proposed to be issued inviting applications for the post of Assistant Professor has been annexed. It is stated that in accordance with the same, out of 30 posts, 9 posts would be reserved for the members of the Other Backward Class category.

We find that issuance of the aforesaid Government Resolution and the advertisement as proposed seek to redress the grievance that was raised in the Writ Petition.

Accordingly, by accepting the statements made in the Civil Application that further recruitment would be conducted in accordance with the aforesaid Government Resolution and in the manner proposed in the draft advertisement, the Writ Petition is disposed of having served the purpose. It is however made clear that the legal points raised in the Writ Petition are kept open for being urged in an appropriate case. The Civil Application is also disposed of. No costs.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)

SUMIT