

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

908 WRIT PETITION NO.11537 OF 2023

SAID AHMED KHAN ABDUL LATEEF PATHAN  
VERSUS  
STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY  
AND ANOTHER

Mr.S.T.Mahajan, Advocate for the Petitioner.  
Mr.V.M.Kagne, AGP for Respondent Nos. 1 and 2.

( CORAM : RAVINDRA V. GHUGE AND  
Y. G. KHOBRAGADE, JJ.)

DATE : OCTOBER 11, 2023

PER COURT :

1. On 15.09.2023, this Court (Coram :- Devendra Kumar Upadhyaya, Chief Justice and Arun R.Pedneker, J.) passed the following order :-

*"1. The learned AGP waives service of notice for Respondent Nos. 1 and 2.*

*2. Stand over to 9.10.2023, high on board, to enable the learned AGP to seek instructions, whether the State of Maharashtra has provided any relaxation in the minimum eligibility for the purpose of providing any reservation to differently abled persons in terms of the provisions contained in the Rights of Persons with Disabilities Act, 2016 and the Rules made thereunder."*

2. The learned AGP has taken instructions and submits on the basis of the written instructions received by him that the Petitioner is a person who falls in the category of "disabled persons - Locomotor disability". There are 22 posts reserved for the special category candidates. Out of these, 6 are reserved for the locomotor disability category. All these posts have now been filled in and the last candidate, who is at Sr.No.6, has scored 109 marks. The Petitioner has scored 92 marks and is 17 marks below the 6th candidate, who has been selected.

3. The learned Advocate for the Petitioner submits that there is a Government Policy, which enables the appointing authority to transfer the posts reserved for the persons falling in the special category (mentally retarded), if not filled in. Such candidates cannot be selected for the Assistant Govt.Pleader. The said posts can, therefore, be utilized for filling in candidates from other special categories. He prays that the MPSC may consider his case.

4. The learned AGP submits that such case cannot be considered beyond the prescribed rules and after taking into account

the individual scores of each candidate.

5. In view of the above, **this Petition is disposed off.** Let the MPSC consider as to whether the Petitioner has any chance on the basis of the Rules and the total marks scored by him, if further reserved seats are allocable.

( Y. G. KHOBRADE, J. )

( RAVINDRA V. GHUGE, J.)