

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3685 OF 2022

Rohit Ramesh Mane
V/S
Maharashtra Public Service Commission & Ors.Petitioner
....Respondents
...

Mr. Joel J. Carlos for the Petitioner.
Mr. R.P. Kadam, AGP for Respondent Nos.1 and 2.
Mr. R.Y. Sirsikar for Respondent No.3-BMC.
...

**CORAM: NITIN JAMDAR &
SANDEEP V. MARNE, JJ.
DATE : 03 AUGUST 2023.**

P.C.:

1 The Petitioner has approached this Court seeking a direction to the Respondent Maharashtra Public Service Commission to permit the Petitioner to participate in the selection process under Economically Weaker Section category. According to the Petitioner, though the Petitioner belongs to Economically Weaker Section category and has a valid certificate due to an inadvertent error while filling up the form online, the Petitioner has omitted to select EWS category. The learned Counsel informs that the selection process was postponed and is now last date is scheduled as 24 August 2023.

2 The various questions would arise whether it was inadvertent error or a conscious decision of the Petitioner; whether at this stage change is permissible; whether even if change is permissible how it will affect other candidates. Therefore, we are not inclined to straightway issue a writ of mandamus to the Respondent Commission to permit the change in category of the Petitioner. We leave it to the Commission to take a decision, as we are informed that the Petitioner has made a representation. Leaving entirely to the discretion of the Commission to take a decision as per feasibility, legality of the matter, we dispose of the Writ Petition.

3 The stand of the Respondent Commission that be informed to the Petitioner. We make it clear by this order that we have not commented on the merits of the matter.

4 Liberty to the Petitioner to place the copy of this order before the Respondent Commission.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.