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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6136 OF 2023**

Dipak Rajaram Jadhav ... Petitioner

vs.

The State of Maharashtra and Others ... Respondents

Ms. Darshana Naval a/w. Mr. Pranav Avhad for the Petitioner.

Mr. B. V. Samant, AGP for Respondent Nos. 1 to 3.

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.**

DATED : 4 MAY, 2023

P.C. :-

1. This matter is mentioned, not on board by the learned counsel for the Petitioner for urgent relief seeking stay of the written examination scheduled to be conducted on 14th May 2023. There is also a prayer seeking interim relief directing the Respondent No. 1 to allow the Petitioner to appear for the written examination to be conducted on 14th May 2023. The Petitioner has also prayed for interim orders directing Respondent Nos. 1 to 3 not to proceed with further selection process qua such candidates, who have applied at multiple units for the post of Police Constable Driver pursuant to advertisement notice dated 9th November 2022

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2. The Petitioner has filed this Petition for challenging order dated 28th April 2023 passed by Maharashtra Administrative Tribunal in Original Application filed by the Petitioner. In the Original Application filed before MAT similar interim reliefs were prayed for and by the impugned order the application for interim relief is rejected.

3. We have heard the Petitioners as well as the learned AGP for Respondent Nos. 1 to 3. The private Respondents Nos. 4 to 8 are not served with the Petition and they are not before the Court today.

4. Learned counsel for the Petitioner insists on granting interim relief on the ground that as per advertisement dated 9th November 2022 the candidates were not allowed to make multiple applications for the same post in different units. She further submits that inspite of such multiple applications being not permitted there are candidates who have filed multiple applications for the same posts in different units. She therefore submits that the cut off bench mark for the physical tests is fixed on the basis of such multiple applications. She thus submits that such fixation of cut off bench mark for physical test has adversely affected the Petitioner. She submits that in view of the cut off mark names of the Petitioner is not

included in the list published for the purpose of written examination.

5. Learned AGP invited our attention to the relevant clauses of the terms and conditions of the advertisement. The necessary instructions in Clause 16 of the advertisement shows that the candidates were allowed to apply for different posts in different units. In view of the specific terms and conditions of the advertisement, prima facie we are not able to accept the contention on behalf of the Petitioner that the candidates were not allowed to apply for different posts at different units. Learned AGP is right in submitting that what is not permissible is that a candidate was not permitted to apply multiple time in the same post in the same unit.

6. We have perused the order passed by MAT which is impugned in the Petition. We do not find any infirmity in the reasons given by the tribunal to reject the application for grant of interim relief. We do not find any merits in the Writ Petition. For reasons recorded above writ petition is dismissed.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)