

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CONTEMPT PETITION NO. 383 OF 2023
IN
WRIT PETITION (ST.) NO. 9195 OF 2021

Dr.Jinal N. Rokade. ... Petitioner.
V/s.
Dr.Suvarna Siddharth Kharat and another. ... Respondents.

Mr.Kaustubh Gidh for the Petitioner.
Mr.Ashutosh M. Kulkarni with Mr.Sarthak Diwan
for the Respondents.

SANJAY
KASHINATH
NANOSKAR

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 19 October 2023.

P.C. :

This contempt petition can be considered at two levels.
First, as regards non-compliance of the order qua the Contempt
Petitioner and second, non-compliance of the order generally.

2. By order dated 20 March 2023, a group of petitions
including the petition of the present Contempt Petitioner was
disposed of with certain directions. One of the directions to the
Maharashtra Public Service Commission was to consider the names
of the original Applicants who were already interviewed in

pursuance of the interim order passed by the Maharashtra Administrative Tribunal for being recommended to the State Government based on their performance in the interview against 67 unfilled vacancies. As regards the present Contempt Petitioner is concerned, his name is already recommended. Therefore, in the case of the present Contempt Petitioner, there is no breach of the order.

3. As regards second wider issue of 67 unfilled vacancies is concerned, the learned counsel for the Commission states that it is not possible for the Commission to fill in 67 unfilled vacancies in view of the pendency of certain proceedings, orders of the court and the reservation. Though no other Petitioners have approached this Court complaining of non-compliance, that does not mean that the Commission should not implement the order. As regards the contention of the Commission that it is not possible for it to fill 67 unfilled vacancies, the learned counsel for the Commission states that appropriate application for modification/ review of the order dated 20 March 2023 would be moved.

4. Contempt petition is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)