



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 893 OF 2023

(Kshitij s/o Vijay Kothale Vs. Union of India & Anr.)

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

Court's or Judge's order

Petitioner in-person.

Shri N.S. Deshpande, Deputy Solicitor General of India for the respondents.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : OCTOBER 26, 2023

Heard.

2] The petitioner in-person prays for a declaration that the prescription of additional educational qualification of furnishing Common Law Admission Test (CLAT) score of the preceding year as qualification for being eligible to appear at the Judge Advocate General (JAG) Entry Scheme is unsustainable in law. According to the petitioner, such qualification was not prescribed earlier and the petitioner could participate in the selection process for the 28th and 29th Course. However, the requirement of furnishing CLAT score of the preceding year was introduced only for the first time at the JAG Entry Scheme – 30th Course. Principally, it is urged that there is no nexus whatsoever with requiring an applicant seeking participation through the JAG Entry Scheme to indicate the score secured in the preceding year at CLAT PG, especially since requirement of securing any marks has not been prescribed therein.

3] By an interim order dated 13/2/2023, the petitioner was permitted to participate in the JAG Entry Scheme, 2023 without being required to furnish his CLAT PG score of the preceding year. Pursuant to this order, the petitioner participated in the recruitment process. In the affidavit dated 31/7/2023 filed on behalf of the respondents, it has been stated that the petitioner was permitted to appear at the Service Selection Board Interview held at Jalandhar on 26/5/2023. The screening test prescribed was conducted. It was however found that the petitioner could not qualify in the said test and was thus screened-out.

4] It is to be noted that under the JAG Entry Scheme - 31st Course, the age limit of the candidates has been prescribed to be between 21 to 27 years as on

1/7/2023. It is indicated that the candidates should be born not earlier than 2/7/1996 and not later than 1/7/2002. The very same age limit has been prescribed for the JAG Entry Scheme - 32nd Course. This process of recruitment is to be conducted in April-2024 and the candidates born between 2/1/1997 to 1/1/2003 can participate therein. The petitioner's date of birth as indicated in his application (at page 79 of the record) is 30/8/1996. This would indicate that in the next recruitment process, which is the 32nd Course, the petitioner would not be eligible to participate.

5] In these facts therefore we find that the challenge as raised to the requirement of furnishing CLAT PG score of the preceding year for participation in the JAG Entry Scheme has become academic insofar as the petitioner is concerned as he has crossed the age of 27 years. The petitioner would not be able to participate in the next recruitment process. It is pertinent to note that by virtue of the interim order dated 13/2/2023, the petitioner could participate in the JAG Entry Scheme - 31st Course without having appeared in CLAT PG in the preceding year. In other words, the object of the petitioner participating in the said process has been achieved by virtue of the interim order. The candidature of the petitioner was considered on merits but he was then screened-out.

6] In the aforesaid facts, no useful purpose would be served by deciding the challenge as raised in the Writ Petition as no consequential relief can be granted to the petitioner even if he succeeds. It is therefore not felt appropriate to decide the prayers on their merit. By keeping the challenge as raised open for being agitated and considered in an appropriate case, the Writ Petition is disposed of. The parties shall bear their own costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT