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910 wp 10150.24

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10150 OF 2024

GANESH PANNUSING SUNDARDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND

WRIT PETITION NO. 10179 OF 2024

VIKAS SHAHADEV THAPDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND

WRIT PETITION NO. 10190 OF 2024

DNYANESHWAR SUBHASHRAO GANDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND

WRIT PETITION NO. 10192 OF 2024

SHUBHAM NARAYAN RAJPUT
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

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Advocate for the Petitioner/s : Mr. Thombre S.S.
AGP for Respondents/State : S/Shri V.M. Kagne, S.R. Wakale & N.D. Batule
Advocate for the Respondent No.2 : Mr. A.B. Kadethankar

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.**

DATE : 25th September, 2024

PC. :-

1. The Writ Petitions filed by both these Petitioners, earlier bearing nos.559/2023 and 10150/2022, were disposed off as withdrawn on 25.01.2023 and 07.11.2023. In the case of Ganesh Sundarde the Petition was disposed off off since his representation was pending. Hence, his present Writ Petition No.10150/22024 can be maintained for considering his grievance.

2. In the case of Shubham Rajput (Writ Petition No.10192/2024), he had solved zero questions in the first one hour. Then he attended the washroom between 13.16 to 13.18 hours. After returning from the washroom, he solved 171 questions in one hour. As such, the case of Shubham Rajput bearing Writ Petition No.10192/2024 is adjourned to enable Respondent No.2, to file an affidavit within three weeks. The matter be listed after four weeks.

3. In view of the above, we are considering Writ Petition No.10150/2024 (Ganesh Sundarde), Writ Petition No.10179/2024 (Vikas Thapde) and Writ Petition No.10190/2024 (Dnyaneshwar Gande).

4. We have heard the learned advocates for the respective sides. The facts emerging from the record in these three Petitions, are identical to the facts dealt with by this Court in its judgment dated 07.11.2023, delivered in a group of cases (Writ Petition No.10055/2022, Yogesh Suppadsingh Bamhnavat and Ors. V/s. State of Maharashtra and Ors.). The only grievance raised by Respondent No.2 against these three Petitioners is that they had gone to the washroom prior to the commencement of their examination and they have taken a long duration to answer few questions in the first hour and had answered several questions in the second hour. All these circumstances have been dealt by us in our judgment dated 07.11.2023, that was carried in Special Leave Petition (Civil) Diary No.54038/2023 before the Hon'ble Supreme Court by the M.H.A.D.A. By order 17.05.2024, the Special Leave Petitions were dismissed.

5. In view of the above, **these three Petitions are partly allowed.** We direct Respondent No.2-MHADA to consider the candidature of these three Petitioners in the recruitment process and based on the rank in the order of merit and availability of posts, they could be considered for recruitment by following the due procedure laid down in law, if there is no other legal impediment.

[Y.G. KHOBRADE, J.]
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[RAVINDRA V. GHUGE, J.]