



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 10608 OF 2022

RAHUL SURESH BHOMBE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER

...
Advocate for the Petitioner : Mr. Sandeep N. Lute
AGP for Respondent 1/State : Mr. S.K. Tambe
Advocate for Respondent 2 : Mr. A.B. Kadethankar
...

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

DATE :- 31st January, 2024

Per Court :-

1. The Petitioner has put forth prayer clause [B] as
under:-

*“B) By an order of this Hon’ble Court, direct the
respondent to select the petitioner for the post of junior
engineer (Civil) as per merit list for recruitment of 2021
published by the respondent No.2.”*

2. The learned Advocate Shri Kadethankar representing
Respondent No.2/ Maharashtra Housing and Area Development
Authority (MHADA) has vehemently opposed this Petition.

3. In a similar group of cases, we have delivered a

detailed judgment running into 14 pages on 07.11.2023 in Writ Petition No.10055 of 2022 (*Yogesh Suppadsing Bamhnavat Vs. The State of Maharashtra and others*) and connected Writ Petitions. This Petitioner is one of those Petitioners, who appeared for the examination, held as a part of the selection process by Respondent No.2/MHADA, for filling up of the posts of Junior Engineer (Civil). It is undisputed that the Petitioner, as like those Petitioners, is in the merit list. Issuance of appointment orders for the said posts, has already commenced.

4. The ground raised by Respondent No.2/ (MHADA) is that, the present Petitioner, along with other examinees, purportedly indulged in unfair exam practices and the First Information Report dated 07.12.2022 bearing No.1015/2022 is registered against them at Police Station Kherwadi, District Brihan Mumbai City.

5. It is undisputed that the Petitioner had gone to the washroom, well before entering the examination hall. After the examination commenced, he did not leave the examination hall even to drink a drop of water. He did not visit the washroom. He was in the examination hall in his chair for the entire 120 minutes duration of the examination. It is undisputed that he has himself

answered the questions and there is no allegation of a proxy candidate.

6. In view of our order dated 07.11.2023, in the case of *Yogesh (supra)*, the conclusions in paragraph 18 and 20 of the said order would squarely apply to the case of the present Petitioner.

7. In view of the above, **this Writ Petition is partly allowed.** We direct Respondent No.2 MHADA to consider the candidature of the present Petitioner in their recruitment process and based on his rank in the order of merit and the availability of posts, he may be considered by following the due procedure applicable to the said recruitment process, in the event there is no other legal impediment in the path of the Petitioner.

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)