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902 WP 13159.2024 + 1 (corrected).odt

(This order is corrected in view of the Speaking to the minutes order dated 13.12.2024)

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

902 WRIT PETITION NO. 13159 OF 2024

**ASHISHKUMAR ASHOKKUMAR PATNI
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

AND

959 WRIT PETITION NO. 13359 OF 2024

**MAHESH AUDUMBAR GURAV AND OTHERS
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Ms. P.S. Talekar, Advocate for the petitioners.

Mr. S.P. Joshi, A.G.P. for respondent Nos.1, 2 and 4.

Mr. M.D. Narwadkar, Advocate for respondent No.3.

Mr. A.G. Talhar, Advocate for respondent Nos.5 and 6.

Mr. N.S. Choudhary, Advocate for respondent No.9 in WP No. 13159/2024 and for respondent No.8 in WP No.13359/2024

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**CORAM : S.G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATED : 6 DECEMBER 2024

ORDER:-

. Issue notice to the respondents in Writ Petition No. 13359 of 2024. Learned A.G.P. waives service of notice for respondent Nos. 1,2 and 4. Learned Counsel Mr. Narwadkar waives service of notice for respondent No.3. Mr. Choudhari waives service of notice for respondent No.8.

2. Heard respective Counsel for the parties.
3. In view of our earlier orders the merit list of in-service candidates from 20% State quota was prepared afresh by respondent No.9 on the data submitted by respondent No.8. The corrected merit list has been served upon respondent No.3. All the candidates from in service have been given the incentive marks and respondent No.3 is armed with the correct merit list.
4. The sole difficulty in the matter is that the first round is over. Second round is to be commenced from 16 December 2024. The petitioners have apprehension that since the first round is over they may be deprived of getting admissions on merit in the round as per revised merit list. Learned Counsel for respondent No.3 has instructions that it may consider 116 in service candidates as per the revised merit list before 16 December 2024 by reopening the first round admission schedule by undertaking requisite steps.
5. Though only 4 out of 116 candidates are before the Court, under exceptional circumstances, we are passing orders. Their interest is also taken care of.
6. In view of these facts came before the Court, we dispose of both the petitions by following order.

ORDER

- (i) Both the writ petitions are allowed.
- (ii) Respondent No.3 is directed to prepare the revised merit list of in-service candidates from 20% State quota. Respondent No.3 shall consider them for the first round by reopening the first round to the extent of in-service State quota of 20% candidates in the State of Maharashtra.
- (iii) Respondent No.3 shall publish their fresh merit list and shall give opportunity to each candidate to submit their preferences.
- (iv) Respondent No.3 shall publish a fresh schedule for first round to the extent of in-service candidates from 20% of State quota as per the prevailing practice. Respondent No.3 shall then allot them seats as per merit and complete their first CAP round by 15 December 2024.
- (v) The parties to act upon authenticated copy of this order.

(SHAILESH P. BRAHME)
JUDGE

(S.G. MEHARE)
JUDGE