

Ashvini Narwade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3468 OF 2024
WITH
INTERIM APPLICATION (ST.) NO.7417 OF 2024
WITH
INTERIM APPLICATION (ST.) NO.7403 OF 2024
WITH
INTERIM APPLICATION (ST.) NO.6469 OF 2024
WITH
INTERIM APPLICATION (ST.) NO.6470 OF 2024
WITH
INTERIM APPLICATION (ST.) NO.6471 OF 2024
WITH
INTERIM APPLICATION (ST.) NO.6472 OF 2024

Dr.Jaishri Laxmanrao Patil & Ors. ...Petitioners
Versus
The Chief Minister, State Of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 3586 OF 2024

Anuradha D/o Sunil Pande And Anr ...Petitioners
Versus
State Of Maharashtra Thr Its Chief Secretary And Anr ...Respondents

WITH
WRIT PETITION NO. 3588 OF 2024

Seema W/o Shrigopal Mandhaniya And Anr ...Petitioners
Versus
State Of Maharashtra Thr Its Chief Secretary And Ors ...Respondents

WITH
WRIT PETITION NO. 3591 OF 2024

Prathamesh Uday Dhople And Ors.

...Petitioners

Versus

The State Of Maharashtra Through G.P.

...Respondents

Dr. Gunratan Sadavarte, Dr. Jaishri Patil Party In Person and Adv. R. B. Ghate for Petitioner in WP/3468/2024.

Sr. Adv. Pradeep Sancheti a/w Ashwin Deshpande, Nihar Chitne & Pallavi Bali for Petitioner in WP/3586/2024.

Adv. Ashwin Deshpande a/w Nihar Chitre for Petitioner in WP/3588/2024.

Adv. Ashwini B. Jadhav for Applicant in IA(St.)/7417/2024

Sr. Adv. Anil Anturkar a/w. Atharva Date i/b. Gaurav Chubey for Petitioner in WP/3591/2024.

Sr. Adv. Janak Dwarkadas a/w Namrata Vinod i/b Ekta Tripathi for Applicant in IA/6469/2024 in WP/3468/2024.

Sr. Adv. Anil Sakre a/w Utsav Trivedi i/b Vishal Acharya for Applicant in IA/6470/2024 in WP/3468/2024.

Sr. Adv. Mr. Virendra Tulzapurkar a/w A.M. Anandhan i/b Sachin Pawar for Applicant in IA/6472/2024 in WP/3468/2024.

Sr. Adv. Anil Singh a/w Ashsish Kamat a/w Harsh Moorjari, Rohan Kadam i/b Shyamsundar Jadhav for Applicant in IA/6471/2024 in WP/3468/2024.

Mr. Vijay Killedar for Caveate – Vinod Patil in WP3468/2024.

Dr. Birendra B. Saraf, AG a/w P.P. Kakade, Add.GP, S.D. Vyas, Add. G.P., P. J. Gavhane, AGP for State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 8th MARCH, 2024

P.C.

1. These batch of Petitions were moved before us on 6th March 2024 on the ground that the Petitioners were seeking urgent interim reliefs. We had accordingly permitted the Petitioners to serve the Respondents, thereby granting listing of the proceedings for today.

2. Today, Dr. Gunratan Sadavarte along with Dr. Jaishri Patil, appear in person in Writ Petition No. 3468 of 2024, Shri. Pradeep Sancheti, learned Senior Advocate represents the Petitioners in Writ Petition No. 3586 of 2024, Shri. Anil Anturkar, learned Senior Advocate appears for the Petitioners in Writ Petition No.3591 of 2024, Shri. Ashwin Deshpande, learned Counsel appears for the Petitioner in WP/3588/2024. Dr. Birendra Saraf, learned Advocate General represents the State. There are Intervention Applications in which the Applicants are represented by the Senior Advocates, Shri. Janak Dwarakadas, Shri. Anil Sakhare, Dr. Virendra Tulzapurkar, Shri. Anil Singh and learned Counsel Ms. Ashwini Jadhav.

3. At the outset, Dr. Saraf, learned Advocate General has made an oral application / submission that yesterday, i.e., on 7th March 2024, a Public Interest Litigation (PIL) No.30 of 2024 challenging the Maharashtra State Reservation for Socially and Educationally Backward Classes Act, 2024 (which is also one of the challenges in the present Petitions) was moved before the Division Bench of the Hon'ble The Chief Justice, on which an order was passed by the Court issuing notice to the Respondents. Dr. Saraf states that no prayers for interim reliefs were made in the said proceedings. Dr. Saraf, referring to such order, has submitted that a praecipe is moved in the Registry on behalf of the State Government for clubbing of the present batch of Petitions along with PIL No.30 of 2024 to be heard by the Division bench of

the Hon'ble the Chief Justice. Copy of the praecipe is also tendered for perusal of the Court. He would accordingly, submit that awaiting appropriate orders to be passed on such praecipe by the Hon'ble The Chief Justice on the administrative side, the present proceedings be adjourned.

4. On such application/submission being made by Dr. Saraf, Mr. Sadavarte, who appears in person for the Petitioners in Writ Petition No. 3468 of 2024 as also Shri. Sancheti and Mr. Anturkar, learned Senior Advocates for the Petitioners, would submit that certainly there is an urgency in the proceedings for the Petitioners to seek urgent interim reliefs, as the last date for submission of the applications under the advertisement dated 9th February 2024 (which may apply the reservation under challenge) being tomorrow, i.e., 9th March 2024. The advertisement invites online application forms for the National Eligibility-cum-Entrance Test [(NEET (UG)] 2024- Reg. We have perused the advertisement as placed on record.

5. The contention as urged on behalf of the Petitioners is that if applications under the advertisement are received, it should not entail an adverse or an irreparable situation to the students who are applying under the same, in the event the Court passes interim orders as prayed for in these Petitions. This is the common contention as urged on behalf of the Petitioners.

6. In the aforesaid circumstances, as the Honb'le the Chief Justice is already seized with the praecipe for clubbing of the matters as submitted on behalf of

the State, we would defer the hearing of the present proceedings for interim reliefs, for Tuesday, i.e., 12th March 2024 “HOB”, subject to the orders to be passed by the Honb’le the Chief Justice.

7. However, considering the submissions made before us and without delving on the merits of the matter, we are of the opinion that in the meantime it would be in the interest of the justice that, if any applications are received under the advertisement dated 9th February 2024 or any other similar advertisements taking benefit of the impugned Act, the same shall be subject to further orders to be passed on these proceedings, on the adjourned date of hearing. The candidates who would apply be accordingly informed of the orders passed by this Court.

8. At this stage, a prayer has been made on behalf of the Petitioners that a copy of the report of the Committee headed by Mr. Justice S. B. Shukre (retired) be provided to the Petitioners. Dr. Saraf states that he would take instructions and would respond to such prayers as made on behalf of the Petitioners. These issues would fall for consideration on the adjourned date of hearing.

9. There are Intervention Applications filed in the present proceedings. On behalf of the Petitioners, a fair stand is taken that the Petitioners do not object to such interventions and that the interveners can be made parties to the

Petitions. All the Intervention Applications are accordingly allowed. Copies of the Petitions be served on the Advocate for the Interveners.

10. Let the caveators be also served with the copy of the Petition.

11. Stand over to **12th March 2024. (H.O.B.)**

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)