

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10522 OF 2022

Lakhansingh Devchand Dedwal

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Vishal B. Kadam (through VC) a/w. Mr. S. S. Kulkarni for the
Petitioner

Mr. B. V. Samant, Addl. G.P. with Ms. Rupali Shinde, AGP for
Respondent Nos. 1 and 2

Mr. Kiran Gandhi i/b. Little & Co. for Respondent Nos. 3 and 4

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 12 APRIL 2024

P.C.:

1. The Petitioner is aggrieved by the removal of the Petitioner from the selection process of the year 2019 for the post of junior clerk. The Petitioner was removed from the selection process on the ground of pending criminal case.

2. In this Petition, initially ad-interim relief was granted to the Petitioner on 14 September 2022, at the time of issuance of the notice that till the next date that if the posts are not filled in, one post from the general category should not be filled in.

3. Thereafter, the Respondents appeared and contested the Petition and the Division Bench by order dated 22 December 2022, following the decision of the Hon'ble Supreme Court in case of *State of Rajasthan and Ors. vs. Chetan Jeff* delivered in *Civil Appeal No. 3116/2022* on 11/05/2022 and Government Resolution dated 28/08/2017, vacated the impugned order. No steps were taken to challenge this order.
4. The Petitioner has now placed on record the order passed by the Judicial Magistrate First Class, Aurangabad in RCC No. 3308 of 2016 whereby the Petitioner was acquitted of the offenses alleged. Though the Petitioner is now acquitted on 6 May 2023, by an order dated 22 December 2022, the interim relief was vacated when the criminal case was pending. We have to be mindful of the fact that the selection process is of 2019.
5. In these circumstances, considering the contentions of the Petitioner on law would be an academic exercise. It is open to the Petitioner to apply for fresh selection process that would be undertaken, subject to eligibility, age etc.
6. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)