

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

WRIT PETITION NO.10150 OF 2024

Rekha Narayanrao Mudkhedkar .. Petitioner
Vs.
The State of Maharashtra,
Through Public Health Department and Ors. .. Respondents

Mr. Nitin Gaware Patil with Ms. Prerana Sethia, Advocates for the Petitioner.

Mr. S.P. Kamble, Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Abhijeet Desai with Mr. Shrikant Patil, Mr. Digvijay Kachare, Mr. Karan Gajra and Ms. Mohini Rehpade, Advocates for Respondent No.4.

Mr. Om Lonkar, Advocate for Respondent No.5.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 2ND AUGUST, 2024.

PC. :

1. Issue notice to the respondents, returnable on 30th August 2024.
2. The challenge raised in this writ petition is to the order passed by the Maharashtra Administrative Tribunal dated 12th July 2024 in Original Application No.1139 of 2023. By that order, the said Original Application preferred by the 4th respondent challenging her non-selection on the post of Deputy Director, Health Services came to be allowed and it was directed that the 3rd respondent – Maharashtra Public Service Commission would recommend the name of the 4th respondent for the said post. While granting such relief, the Tribunal relied upon the decision of its Co-ordinate Bench at Aurangabad in Original Application No.932 of 2023 dated 10th May 2024 (*Saraswarti d/o. Keshavrao Makne and Anr. Vs. The State of Maharashtra, through the Secretary, Women & Child Development*

Division and Ors.). The operative order insofar as the same is relevant for the present purpose is indicated in clauses (i) and (ii) thereof, which is reproduced as under :-

[i] Clause 5 of the G.R. dated 04-05-2023 issued by Women and Child Development Department to the extent it restricts the applicability of the said G.R. only to the extent of advertisement no.83/2021 issued by Maharashtra Public Service Commission and to the process of recruitments commenced after 29-09-2022, is held unconstitutional and hence set aside.

[ii] It is declared that the benefit of the G.R. shall be applicable to all recruitments commenced subsequent to advertisement no.83/2021.

3. Prima facie, since the benefit of the Government Resolution dated 4th May 2023 has been made applicable to all recruitments that commenced subsequent to advertisement no.83/2021, the present recruitment which commenced on 8th October 2021 comes within its sweep. This is for the reason that the recruitment vide advertisement no.83/2021 commenced on 17th September 2021. Hence, there is no case made out to grant any interim relief. Needless to state that any steps taken pursuant to the impugned judgment would be subject to outcome of the writ petition.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]