

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

WRIT PETITION NO.15402 OF 2024

Sweety Suryakant Shinde @ Gayatri Milind More ...Petitioner

Versus

Chief Secretary Minister of
Home Dept. & Ors.

...Respondents

Mr. Kishor Patil i/b. Mr. Nikhil M. Pujari for Petitioner.

Adv. Savina R. Crasto, AGP for Respondent Nos.1, 3 & 4.

**CORAM : Sharmila Deshmukh,
Jitendra Jain, JJ.**

**DATED : 31 October 2024.
(Vacation Court)**

PC.:-

1. By this petition, which has been moved urgently, the relief which is sought is for the permission to allow the Petitioner to fill up the preferential division choice form and to file a specific undertaking in accordance with the directions given by this Court (Aurangabad Bench) vide its order dated 21 October 2024.

2. Mr. Patil, learned counsel for the Petitioner submits that the forms which were required to be filled up pursuant to the advertisement issued for the post of Assistant Public Prosecutor required details of criminal proceedings to be stated. He submits that there are no

criminal proceedings which are instituted or pending against the Petitioner and there are only two civil proceedings which were not warranted to be incorporated in the application form filed by the Petitioner. He would further point out that this Court (Aurangabad Bench) vide order dated 21 October 2024 has permitted the candidates to file a specific undertaking expressly mentioning that they would not be claiming any equities which in that case was pertaining to a challenge to the inclusion of the candidates from reserve categories. He submits that similar undertaking can be given by the Petitioner and she may be permitted to fill the preferential form.

3. Perusal of the form, which was required to be filled in by the candidates, refers to only the pendency of the criminal litigation and there is no reference to any civil proceedings. The Aurangabad Bench of this Court has permitted a similar course by permitting the candidates to proceed further in this selection process by obtaining specific undertaking expressly mentioning that they will not claim any equities. In the present case, as the preferential/division choice form is required to be filed by Sunday, i.e., 3 November 2024, the same course can be adopted in case of the Petitioner and she can be permitted to fill up the preferential/division choice form subject to filing a specific undertaking as directed by this Court (Aurangabad Bench) in its order

dated 21 October 2024. An undertaking to be filed immediately upon the copy of the order being uploaded on the website.

4. List the petition for further consideration on 12 November 2024.

5. Interim relief is granted in terms of prayer clause (e) which reads as under:-

“e. Pending the hearing and final disposal of the present Petition, the Respondents may be directed to allow the present Petitioners to fill up the preferential/division choice form as per letter dated 30/05/2024 and also allow file specific undertaking as per the directions given by this Hon’ble Court (Aurangabad Bench) vide its order dated 21/10/2024.”

6. All concern to act on an authenticated copy of this order.

(Jitendra Jain, J.)

(Sharmila U. Deshmukh, J.)