



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

WRIT PETITION NO. 881 OF 2025

VIJAY BABURAO BAISANE

VERSUS

**STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER**

...

Shri Dixit Sushant V., Advocate for the Petitioner.

Shri M.M. Nerlikar, Addl. GP for Respondent Nos.1 and 2/State.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 20th January, 2025

Per Court :-

The petitioner is coming before us with the following prayer clauses:-

- “A) *For a writ of certiorari, order or directions in the nature of certiorari, calling for record and proceedings of letter dated 14.03.2024 issued by desk officer of respondent no.1 be called for and after examining legality, validity and propriety thereof, letter dated 14.03.2024 issued by desk officer of respondent no.1 be quashed and set aside.*
- B) *For a writ of mandamus, order or directions in the nature of mandamus directing respondents to provide reservation for the posts of Principal as provided in Reservation Act, Notification dated 07.04.2022 and Government Resolution dated 11.04.2022 wherever plurality of posts*

exist.

- C) *Pending hearing and final disposal of present writ petition, implementation, execution and operation of letter dated 14.03.2024 issued by desk officer of respondent no.1 be stayed.”*

2. We have heard the learned advocate for the petitioner. He sought to impress upon us that the decision of the Division Bench in Writ Petition No.3108/2023 (***Marathwada Legal and General Education Society vs. Dr.Babasaheb Ambedkar Marathwada University and others***) dated 07.08.2023 is being misinterpreted by the State and the impugned communication dated 14.03.2024 (exhibit C) is not in accordance with the declaration this Court had granted qua the post of Principal being an isolated post is beyond the policy of reservation. In the process, the learned advocate would submit that the Government Resolution dated 11.04.2022 and earlier Government Resolutions issued by the General Administration Department dated 01.04.2022 and that of the Higher and Technical Education Department dated 07.04.2022 were not brought to the notice of this Court.

3. He also adverts our attention to the corrigendum

issued by the Maharashtra Public Service Commission (MPSC) dated 03.01.2025 thereby, advertng to the Government Resolution impugned in this petition dated 14.03.2024, the MPSC has clarified that the post of Principal would be unreserved post.

4. Admittedly, the decision of this Court in the matter of ***Marathwada Legal and General Education Society*** (supra) was challenged before the Supreme Court which turned down the challenge thereby, confirming the declaration granted by this Court holding that the post of Principal being an isolated post is not available for following the reservation policy.

5. A bare look at the judgment in the matter of ***Marathwada Legal and General Education Society*** (supra) would reveal that even the Government Resolution dated 11.04.2022 was considered which in turn was referring to the earlier two Government Resolutions issued by the General Administration Department and the Higher and Technical Education Department (supra). Thus, it cannot be said that these resolutions were not brought to the notice of this Court, which passed that judgment.

6. The impugned communication merely reproduces the operative part of the order of the Division Bench in the matter of ***Marathwada Legal and General Education Society*** (supra) and that of the Supreme Court in the matter by which the challenge was put up before the Supreme Court. It merely calls upon all the concerned to follow these decisions strictly. In our considered view, this communication is innocuous and merely adverts the attention of the Director of Education and the Vice Chancellors of non agricultural universities to the decisions of this Court and that of the Supreme Court. Nothing further has been directed therein so as to take exception to it.

7. For the same reasons, the corrigendum issued by the MPSC dated 03.01.2025 declaring that the post of Principal to be recruited would be unreserved, merely seeks to follow the Government Resolution dated 14.03.2024 and the observations of this Court in the matter of ***Marathwada Legal and General Education Society*** (supra).

8. This apart, the petitioner is merely seeking declaration and taking exception to the communication without any consequential relief. This would be merely an academic

enquiry which we cannot resort to in exercise of power under Article 226 of the Constitution of India.

9. The Writ Petition is dismissed.

kps (PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)