



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

WRIT PETITION NO. 13384 OF 2025

- 1) Pradeep S/o Dnyaneshwar Lekarwale,
Age: 37 Years, Occu: Assistant Professor,
R/o: Nipani Pimpalgaon,
Taluka: Ghansavangi,
District: Jalna.
- 2) Rajaram S/o Jagannath Mane,
Age: 45 Years, Occu: Assistant Professor,
R/o: At Ravna, Post-Parada,
Taluka: Ghansavangi,
District: Jalna.

....PETITIONERS

VERSUS

- 1) State of Maharashtra,
Through its Secretary,
Department of Higher & Technical Education,
Mantralaya, Mumbai.
- 2) The Director of Higher Education,
412, E, Bahirat Patil Chowk,
Model Colony, Shivaji Nagar,
Pune. Dist: Pune.
- 3) The Vice-Chancellor,
Dr. Babasaheb Ambedkar Marathwada University,
Chh. Sambhajinagar.
- 4) The Joint-Director of Education,
(Divisional),
Joint-Director Office,
Chhatrapati Sambhajinagar.
- 5) The Selection Committee,
Dr. Babasaheb Ambedkar Marathwada
University, Chh. Sambhajinagar.
- 6) Matsyodari Shikshan Sanstha, Jalna,

Through its President,
Motibag, Near Railway over bridge,
Jalna, District: Jalna.

- 7) The Administrative Officer,
Matsyodari Shikshan Sanstha, Jalna,
District: Jalna.

....RESPONDENTS

Mr. Y. H. Jadhav, Advocate for petitioners
Mr. S. B. Dhaware, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 25th November, 2025

JUDGMENT (PER : Hiten S. Venegavkar, J) :-

1. Rule.
2. Rule made returnable forthwith and heard finally with the consent of the parties.
3. The present petition has been filed under article 226 and 227 of the Constitution of India seeking quashing and setting aside of the advertisement dated 01.02.2023 issued by respondent No. 6 inviting applications for the post of "Assistant Professor" in the colleges run by it. Secondly, for setting aside the entire selection process undertaken pursuant thereto and thirdly, seeking directions to respondent No. 6 to re-advertise the posts afresh by incorporating reservation for women, persons with disabilities and candidates belonging to the Socially and Economically Backward Class (SEBC) category (Maratha community)

along with specification of vacant posts earmarked for such categories.

4. The petitioner submitted that respondent No. 6 is a permanently affiliated educational institution running various colleges receiving grants from the University Grants Commission. The petitioners are working with respondent No. 6 as "Assistant Professor" in different faculties on temporary basis for several years. On 01.02.2023, respondent No. 6 published an advertisement inviting applications for the post of "Assistant Professor" in its colleges on a granted basis. The qualifications prescribed were M.A/M.com/M.Sc with NET/SET/Ph.D. Petitioner No. 1 possess qualification and degree in M.com, B.Ed, Ph.D and LL.B while petitioner No. 2 holds a degree in M.A, M.Phil, and Ph.D. Both the petitioners have submitted their applications on 13.02.2023 under the Open and EWS categories. They disclose their experience of more than 10 years as Assistant Professors with respondent No. 6. According to them, the selection process ought to have been concluded within six months from the last date of application, which according to them was not adhered to.

5. It is the case of the petitioners that the advertisement did not contain reservation for women or persons with disabilities. More importantly, during the pendency of the selection process, the State of Maharashtra issued a Government Resolution dated 11.03.2024 laying

down guidelines for providing reservation to the Maratha community candidates under the SEBC category. The said reservation came into force across the State with effect from 26.02.2024. The petitioners contend that since the selection process has not commenced even by the date of the above Government Resolution, respondent No. 6 ought to have re-advertised the posts by incorporating the SEBC Maratha Reservation. They rely on multiple representations allegedly submitted by them to various authorities requesting fresh advertisement. Despite this, Respondent No. 6 continued with the old advertisement. Initially, interview calls were issued for 08.07.2023 to the petitioners. The interviews were then postponed. The petitioners again received interview letters on 04.07.2025 scheduling interviews for 18.07.2025 and 23.07.2025 respectively. It is their contention that although they belong to Maratha community, they were compelled to participate under the EWS/Open categories due to absence of SEBC reservation in the advertisement floated by the present respondent No. 6.

6. The grievance now made is that respondent No. 6 instead of re-advertising the posts to incorporate SEBC Maratha reservation, proceeded with an old advertisement of 2023 and completed the selection process. The petitioners alleged that candidates junior to them have been appointed. They contended that continuation of the 2023

advertisement and the selection process by respondent No. 6 is illegal and contrary to the Government Resolution dated 11.03.2024.

7. The learned advocate for the petitioners argued that the selection process was delayed for reasons attributable solely to respondent No. 6. According to him, once the state introduced reservation for SEBC Maratha candidates, respondent No. 6 was duty bound to amend or withdraw the earlier advertisement and re-advertise the vacancies. He further argued that petitioners belonging to Maratha community and could have legitimately availed the benefit of SEBC reservation had Respondent No. 6 re-advertised the posts. He contended that the action of proceeding with an outdated advertisement is arbitrary, discriminatory and contrary to the policy laid down in the Government Resolution. It was further argued that the petitioners' participation in the interview does not disentitle them from challenging the process as the foundation of the challenge is the subsequent change in reservation policy brought by the State of Maharashtra which according to them materially affects their rights.

8. Learned AGP appearing for the State opposed the petition. He submitted that petitioners applied under the Open/EWS categories in 2023 and fully participated in the selection process without protest. At the time of the advertisement, there was no SEBC Maratha reservation in

force. The government Resolution introducing such reservation is prospective and came into effect only in 2024. It was therefore, argued that selection process initiated pursuant to the 2023 advertisement was governed strictly by the reservation policy prevalent on the date of advertisement and the petitioners cannot, after participating in the process, turn around and challenge the advertisement belatedly. Learned AGP submitted that the petition is a classic case of an unsuccessful candidate challenging the process only after not being selected. He therefore, prayed for dismissal of the petition.

9. We have heard both the counsels and carefully examined the pleadings and documents placed on record. Certain material facts are undisputed, such as the petitioners have been serving with respondent No. 6 for more than a decade and possess all essential qualifications for the post of Assistant Professor as prescribed by the 2023 advertisement. They applied to the said advertisement voluntarily within the stipulated period. The advertisement was issued in February, 2023. At that time, reservation for the Maratha community under SEBC did not exist in law. The Government Resolution introducing such reservation is of 11.03. 2024 and is prospective. Even after issuance of the said Government Resolution, the petitioners did not immediately raise a legal challenge and instead, they have participated in the interview process conducted in

July, 2025. It is fairly admitted before us that both petitioners appeared for the interviews. The selection process has now been concluded. Appointments have been made. Petitioners themselves have mentioned the names of the selected candidates some of whom they alleged are junior to them.

10. In the aforesaid circumstances, the first and foremost question is whether a candidate who has voluntarily participated in the selection process can seek to challenge the same only after being unsuccessful. The law in this regard is well settled. A candidate who takes a calculated chance by participating in this selection process cannot be permitted to challenge it later merely because the result has gone against him. The petitioners, being fully aware of the terms of the advertisement and reservation structure therein participated without protest and continued to do so even after 11.03.2024. The second question is whether the Government Resolution dated 11.03.2024 would retrospectively affect an advertisement issued more than a year prior. The answer is clearly in negative. Reservation policies apply prospectively unless expressly stated otherwise. The petitioners have themselves not sought a declaration of retrospective applicability, nor is such a challenge even pleaded. Further, if the petitioners genuinely believed that the advertisement must be reissued to incorporate SEBC

Maratha reservation, the natural course of action would have been to immediately withdraw from the selection process and to promptly approach this court seeking relief. They did neither. Their representations surfaced only after the apprehended non-selection which reflects an afterthought rather than a legitimate grievance.

11. The Court cannot set aside an entire selection process, long completed, merely because certain candidates are dissatisfied with the outcome. Interference at this stage would prejudice selected candidates who are not before us or who have acquired vested rights. Respondent No. 6 cannot be faulted for proceeding with a selection process that was lawfully initiated in the year 2023 under the then prevailing reservation framework. The introduction of SEBC Maratha Reservation in 2024 cannot invalidate past advertisements unless specifically provided by law. In the overall view of the matter, we find no infirmity either in the advertisement dated 01.02.2023 or in the selection process undertaken pursuant thereto. The petition, therefore, is devoid of merits.

12. For all the reasons recorded above, we are satisfied that challenge raised by the petitioners is unsustainable. Petitioners participated in the entire selection process with full knowledge, raised no timely objection and approached this Court only after becoming unsuccessful. The Government Resolution dated 11.03.2024 cannot be

applied retrospectively to nullify a 2023 advertisement. No malafides or procedural irregularities are demonstrated

13. Accordingly, the writ petition stands dismissed.

14. There shall be no orders as to cost

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi