



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 12971 OF 2024

DHEERAJKUMAR VILAS LOMATE

VERSUS

STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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WITH

WRIT PETITION NO. 12973 OF 2024

KAILAS MOHAN PADGHAN

VERSUS

STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 12972 OF 2024

RAHUL VASANT GHOGARE

VERSUS

STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioners in all matters : Mr. Shinde Balaji S.
Addl.GP for Respondent/State in all matters : Mr. S.S.Dande
Advocate for Respondent No.3 in all matters : Mr. Nikam Anup R.

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 23rd JANUARY 2025

PER COURT :

1. Heard both sides finally.

2. There is a common question of facts and law involved in these petitions. Hence they are decided by common judgment.

3. The petitioners are holding requisite educational qualifications and they are aspirants for recruitment process to be undertaken by the respondent nos.2 and 3. They registered themselves on the PAVITRA Portal on 30.09.2023. The first stage of the process is over and when the process is underway for the second stage, they are seeking changes in the self certifications from Economically Weaker Section to Project Affected Persons category(in short PAP). They are seeking directions to permit them to update their profiles/self-certification on PAVITRA portal.

4. Learned counsel for petitioners Mr.Shinde submits that they secured Project Affected Persons certificates on 20.03.2024, 26.03.2024 and 16.07.2024 respectively. In view of those certificates, they wanted to take benefits of horizontal reservations. The process is in the second stage and it is permissible to change the profiles from EWS to PAP category. Learned counsel further submits that similar type of change was permitted by letter dated 10.09.2024. However, the petitioners are discriminated for the change from EWS category to PAP category. He would further submit that considering the cut-off which revealed after publication of first merit list, they are not likely to succeed from

EWS category. If they are permitted to change the category to PAP then they are likely to succeed in the selection process. It is further submitted that inaction on the part of the respondents is arbitrary and high-handed causing great prejudice to the petitioners.

5. Learned AGP tenders on record the written instructions. He would submit that in view of the written instructions, the change in the profile for vertical reservation is permissible in view of supervening circumstances. He further submits that the change in the profile to the extent of horizontal reservation cannot be allowed. It is further contended that the petitioners applied for PAP certificates after publication of merit list and thereafter they are claiming change in profiles. The petitioners are taking chances. Considering the policy, it is impermissible to change the categories as they solicited.

6. Learned counsel Mr. Nikam adopts the submissions of respondent nos. 1 and 2. He would submit that as per the instructions issued on 10.09.2024, the self-certification was permitted for vertical reservations only and under the circumstances narrated in paragraph nos.3 and 4 of the said letter.

7. We have considered rival submissions of the parties. The petitioners were registered on PAVITRA portal on 30.09.2023, from EWS category. They applied for PAP certificates on

20.03.2024, 26.03.2024 and 16.07.2024 respectively. On the same date, the certificates were secured.

8. The advertisement for the registration on PAVITRA portal was published on 01.09.2023. After considering the applications, the merit list was published on 26.02.2024. In the merit list, petitioner in the first petition scored 103 marks, petitioner in the second petition scored 95 marks and the petitioner in third petition scored 101 marks in EWS category. As per the merit list, cut-off was declared which was much higher than the marks secured by the petitioners.

9. Considering the sequence of events, it is apparent that petitioners could not fare well in merits in EWS category and thereafter they applied for PAP certificates and secured then. Petitioners are taking chances. They tried from EWS category. Sensing that they are not likely to be successful, they are trying to change the category from EWS to PAP.

10. We have carefully perused the letter dated 10.09.2024 in order to comprehend the submissions made by the petitioner on the ground of discrimination. The letter is very specific and it is for vertical reservation. The permission was given for changing self certification or category. There is no policy of the respondents allowing the candidates to change their category for horizontal

reservation. The written instructions tendered by learned AGP are in tune with the policy of the government which is in vogue. Under these circumstances, we do not find that petitioners have made out a case of arbitrariness or high-handedness .

11. Learned counsel for the petitioners also submitted that their lands were acquired long back and it is not a case that on the eleventh hour they are managing to secure certificates. The respondents are not disputing the status of the petitioners. However, initially their applications were from EWS category. After declaration of cut-off they are soliciting change in the category which is impermissible as per the policy. Under these circumstances, we are not inclined to accept the submissions of the petitioners.

12. We find no merit in the petitions. Hence, writ petitions are dismissed.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]