



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

904 WRIT PETITION NO. 9846 OF 2025

MALIPATIL AKASH GANGADHAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Gajanan Nanasaheb Tirthkar.
AGP for Respondent / State : Smt. P. R. Bharaswadkar.

...

CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 14th August, 2025.

Per Court:

. Heard Mr. G. N. Tirthkar, learned counsel for the petitioners

2 The learned counsel for the petitioners submitted that the petitioners had applied and appeared for the main examination for the post of Civil Judge Junior Division and Judicial Magistrate First Class. Respondent No.2 had conducted the entire process, firstly by the advertisement dated 19th May, 2023 and secondly on 1st September, 2023 for the different number of posts. According to the petitioners, about 48 candidates were already selected for the said post of the recruitment of 2022 and they also got qualified for the interview for the same post in 2023. The petitioners had secured the marks near the cut-off mark. He states that some candidates have approached to the Principal Seat by filing ***Writ Petition No.5278 of 2025 (Ashok Janrao***

and others Vs. The State of Maharashtra and another). It appears that there were other writ petitions also, which were filed by the different candidates and then by order dated 9th May, 2025, the following order has been passed:-

“1. Mr. Kulkarni, learned counsel appearing for the Maharashtra State Public Service Commission, on instructions, submits that the Provisional List of successful candidates, who were interviewed for the appointment to the post of Civil Judge Junior Division and Judicial Magistrate First Class, 2022 Batch would be published in the coming eight days. He further submits that thereafter, on said list being published, further time of eight days would be given to the said candidates to exercise the option of ‘Opting Out’ of the recruitment process. It is only thereafter when this process is completed that steps would be taken to conduct interviews of the candidates for the 2023 Batch seeking appointment on the said post.

2. Aforesaid statements are recorded.

3. In view of this position, for the present, the interest of the Petitioners stands protected.

4. Stand over to **4th July 2025**, with liberty to apply in case of any exigency.”

3 The petitioners contended that they are similarly situated to the petitioners in those matters. The learned counsel for the petitioners also submitted that, at the time of interview, then the ratio has to be

maintained 1:3 and in that case if those 48 candidates opt for the recruitment process of the year 2022, then for the recruitment process of 2023, there will not be those number of candidates in order to maintain the said ratio of 1:3, which is mandatory in view of Rule 6(1) (e) of the Maharashtra Judicial Services Rules, 2008.

4 As can be seen aforesaid, in the said matters, on behalf of respondent No.2, a statement was made, and as regards the present petitioners, it is stated that their interests stand protected. If that statement is in respect of adherence of some rule and procedure that respondent No.2 is proposed to undertake, then it should protect the interest of all the similarly situated candidates.

5 Now, in the present matter, we need not pass such order. Only issuance of notice would suffice. Further, in our opinion, the present petitioners could have filed an intervention application or the writ petition before the Principal Seat itself, taking into consideration that near about six writ petitions are filed, but the petitioners, as it appears that they are residents of the places within the jurisdiction of this Court, they have approached this Court. It appears from the statement made by the learned counsel for the petitioners that the matters were posted on 4th July, 2025 and then on 8th August, 2025, but the matters could not reach and it is the statement now that the matters are posted on

15th September, 2025.

6 Issue notice to the respondents.

7 The learned APP waives notice for respondent No.1.

8 Notice of respondent No.2 is made returnable on 18th September, 2025.

nga [SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]