

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5778 OF 2021

NIKITA
KAILAS
DARADE
BOMBAY
CIRCUIT BENCH AT
KOLHAPUR
17/11/2021

Harshawardhan Anandrao Chougule ... Petitioner

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Sachin Hande (through V. C.) for the petitioner.

Ms. T. J. Kapre, AGP for the State.

Ms. Rati Sinhasane a/w Mr. Pankaj Deshmukh i/b U.
Mankapure for the Respondent No.3.

**CORAM : M. S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATED : 17th NOVEMBER, 2025

P.C.:

1. Heard learned Counsel for the petitioner.
2. This petition is filed for a direction to the respondent Nos. 2 and 3 to act in accordance with the Government Resolution dated 15th June, 2018 and 19th December, 2018 while filling up of the technical posts with the respondent No.3. Challenge is also raised to the advertisement dated 2nd March, 2019 and relief is sought for quashing the said advertisement dated 2nd March, 2019.
3. Ms. Rati Sinhasane, learned Counsel for respondent No.3, on instructions submits that pursuant to the advertisement, the selection process is complete and posts are filled in. The selected

candidates have joined the posts and started discharging their duties. In view of the subsequent developments, the petitioner will have to lay a substantive challenge to the appointments so made as rights have been created in favour of those who are already working against the posts which were the subject matter of the advertisement.

4. Learned Counsel for the respondent No.3 further invited our attention to the copy of the order dated 16th October, 2019 passed by this court at Principal Seat at Bombay, in Public Interest Litigation No.103 of 2019 in Bajirao Sudam Pradnyavant Vs. The State of Maharashtra and Ors. It is further pointed out that similar question that arose was decided by this Court in the case of Vikram Dhondiram Raskar and Ors. Vs. State of Maharashtra and Ors. reported in 2022 SCC OnLine Bom 1523 dated 22nd July, 2022. It is the submission of learned Counsel for respondent No.3 that as the entire share capital was returned to the State Government by respondent No.3, the Government Resolution which is also the subject matter of this petition, will not survive. We keep all these questions open to be decided in case of fresh petition is preferred.

5. The petition is disposed of with liberty to the petitioner to file a comprehensive petition also placing the subsequent events on record if so advised.

(AJIT B. KADETHANKAR, J.)

(M.S. KARNIK, J.)