

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 252 OF 2025

Sangharsh Bhiwaji Maske. ... Petitioner
Versus
State of Maharashtra & Anr. ... Respondents.

Mr. Akshay Karlekar a/w. Mr. Manikirat Singh i/b. Mr. Niranjan Mogre,
Advocate for the Petitioner.
Ms. Priyanka B. Chavan, AGP for Respondent/State.
Dr. C.L. Pulkundwar, Divisional Commissioner, Pune present.
Mr. Vasant Pardeshi IPS, Addl. Commissioner of Police, Pimpri
Chinchwad, Pune present.
Mr. Vivek Patil, SPS, Deputy Commissioner of Police, Pimpri-
Chinchwad present.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 30th APRIL, 2025

P.C. :

1. On 14th February, 2025, we had passed the following order :

“1. The Petitioner participated in the recruitment process for the post of Police Constables pursuant to the advertisement dated 1/3/2024, published by Pimpri Chinchwad Police (PCMC Police). 262 posts were available for the year 2022-23. The Maharashtra Police Constable Service Rules, 2011 and the Amendments made thereafter from time to time, indicate that the recruitment of police constables is under the Commissionerate of Pimpri Chinchwad.

2. *The Petitioner is at Serial No. 11 in the merit list. He belongs to the S.C. Category. During the documents verification, it was noticed that he is being tried for an offence registered against him, in Regular Criminal Case No. 3594 of 2019, before the learned Judicial Magistrate First Class, Pune. Section 392 of the Indian Penal Code is invoked, after two accused allegedly disclosed the name of the Petitioner. He was arrested on 7th May, 2019 and the charge-sheet has been filed on 17th May, 2019. He has received regular Bail on 10th May, 2024 vide the order passed by the learned Judicial Magistrate First Class, Pune.*

3. *The Petitioner submits that in such cases, the case of such a Petitioner has to be immediately placed before the High Power Committee (HPC) constituted for the purpose of verification of such cases, as per Clause 5 and the Government Resolution dated 19th July, 2017. Yet, the Petitioner's case is yet to be placed before the HPC.*

4. *The learned AGP is instructed to state that the District Government Pleader at Pune will first give his opinion as to whether the case of the Petitioner should be placed before the HPC. On instructions, it is stated that no rule prescribes calling for the opinion from the District Government Pleader.*

5. *The learned Advocate for the Petitioner points out that initially 221 appointments were made. Subsequently, 30 more appointments have been made. 9 posts are still vacant. We, therefore,*

direct that, firstly, the case of the Petitioner shall be placed before the High Power Committee forthwith, within 5 days. So also, one post of a constable shall be kept vacant considering that there are 9 posts still vacant.

6. List this Petition for further consideration on 17th March, 2025 in the “fresh admission” category.”

2. We have heard the learned Advocate for the Petitioner and the learned AGP. Considering the order that we are passing, we are not required to advert to the entire pleadings in this matter since we are permitting the Petitioner to prefer an appeal before the Minister in tune with the G.R. dated 19th July, 2017.

3. The learned AGP submits on instructions from the Officers present in the Court that though the High Power Committee does not follow a procedure of writing an order or a Judgment, the prescription set out in the said G.R. dated 19.7.2017, is adhered to and by following the said procedure, the case of the Petitioner was analysed on the basis of the record. The High Power Committee records business transacted in the meeting, case wise. In the meeting held on 16th April, 2025, few cases were considered and the case of the Petitioner was one of them. A copy of the minutes of the Meeting dated 16.4.2025(6 pages), is placed before

us, which is marked as 'X' for identification.

4. The learned AGP submits on instructions that the conclusion is normally conveyed to the candidate. However, it is conceded in the light of the aforesaid G.R. that the aggrieved candidate is at liberty to file an appeal before the State Minister for Home.

5. We are circumspect as to how could an aggrieved candidate espouse his cause by formulating grounds for challenge, without the analysis of the material before the High Power Committee and the conclusions based thereon, being divulged to him. Transparency in such matters is of paramount importance and there can be nothing secret about the analysis made by the High Power Committee while drawing a conclusion on a particular case, obviously when it is an adverse decision. Had there been no provision for appeal, one could, for a moment, believe that the entire details need not be communicated.

6. Nevertheless, the scope of judicial review considering *Wednesbury* principle in the case of *Associated Provincial Picture Houses Ltd. v/s. Wednesbury Corporation*¹, no person can agitate against a decision which is prejudicial to his interest without getting to know the

¹ (1948) 1 KB 223

reasons and conclusions drawn against him. In our view, a decision has to be conveyed to the aggrieved candidate along with such material that would enable him to formulate his grounds for appeal and approach the Minister or any such authority as is prescribed.

7. In view of the above, the learned AGP submits that since the minutes of the meeting dated 16.4.2025 deal with 7 cases that were placed before the High Power Committee, the case of the Petitioner as is noticed in the said minutes, would be culled out and would be communicated to the Petitioner with a covering letter. Let such details of the case of the Petitioner be supplied to him on the following email address of the learned Advocate representing him:-

Email Address : niranjan.mogre@gmail.com.

8. Since 30 days time is available to the Petitioner to prefer an appeal, we would expect the State to communicate his details within 72 hours in order to enable him to prefer an appeal within a period of 30 days thereafter. All contentions of the parties are open.

9. **This Petition stands disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)