

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13472 OF 2024

WITH

INTERIM APPLICATION (ST) NO. 31663 OF 2024

IN

WRIT PETITION NO. 13472 OF 2024

Maharashtra Public Service Commission

...Petitioner

Versus

Sharwari Ajay Sangwai & Anr

...Respondents

SHEPHALI
SANJAY
MORMARE

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Mr Ashutosh M Kulkarni, with Aditya Ghadge, for the Petitioner.
Mr Sanjay Kshirsagar, (appeared online) for Respondent No. 1.
Mr AR Deolekar, AGP, for the Respondent-State.
Mr Sumit Shankar Kate, with Jenish Dinesh Jain & Yash Jagdale,
for Intervenor.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 10TH SEPTEMBER 2025.

PC:-

1. Assailing the Judgment and Order dated 13th August 2024, passed by the learned MAT, Mumbai, in Original Application No. 937 of 2024, whereby the Original Application filed by the respondent No.1 was allowed by declaring that clause 5 of Government Resolution No. 0405 of 2023 was unconstitutional,

the MPSC, as the Petitioner, has approached this Court by filing the present Writ Petition.

2. Mr Kulkarni, learned counsel for the Petitioner, in his usual fairness, has pointed out that the impugned order dated 13th August 2024, had been passed on the basis of the earlier order dated 10th May 2024, passed by the Aurangabad Bench of the MAT in similar Original Application No. 932 of 2023, which order has subsequently been upheld by the co-ordinate Bench of this Court (Coram: A.S. Chandurkar & M.M. Sathaye, JJ) by the Judgment and Order dated 2nd May 2025, by affirming the Judgment and Order dated 10th May 2024, passed by the learned MAT. In view of the above, submits Mr Kulkarni, the challenge made in the Writ Petition, would automatically stand answered in terms of the aforesaid Judgment dated 2nd May 2025, passed by this Court. The learned counsel for the Respondents has also agreed to such submission. If that be so, it is apparent that the matter is covered by the Judgment and Order dated 2nd May 2025 passed by this Court.

3. We have noticed that having affirmed the Judgment and Order dated 10th May 2024, passed by the learned MAT, Aurangabad Bench, this Court, vide Judgment and Order dated 2nd May 2025, has passed the following directions in paragraph 22, which are reproduced herein-below:

“22. For aforesaid reasons, the following order is passed:-

i) The impugned judgments of the Tribunal in Original Application No.932 of 2023 dated 10/05/2024, Original Application No.1139 of 2023 dated 12/07/2024 and Original Application Nos.563 of 2024, 564 of 2024 and 937 of 2024 dated 13/08/2024 holding Clause 5 of the GR dated 04/05/2023 to be unconstitutional is upheld.

ii) In the facts of the case, the declaration as granted by the Tribunal shall operate only qua the parties to the present proceedings with regard to Advertisement Nos.83 of 2021, 107 of 2021 and 12 of 2022. The other recruitments that commenced from 17/09/2021 and thereafter which were not the subject matter of proceedings before the Tribunal shall not be re-opened by virtue of the judgments of the Tribunal.

iii) As the judgment of the Tribunal in Original Application No.932 of 2023 dated 10/05/2024 has been upheld, the order of status quo passed in Writ Petition No.8735 of 2024 by the Aurangabad Bench on 19/08/2024 stands vacated. The consequences of the same would follow as regards the applicants in Interim Application No.15085 of 2024 are concerned.

iv) This judgment shall operate on the expiry of a period of four weeks from today.

v) Rule in all the writ petitions is disposed of in aforesaid terms with no order as to costs.”

4. There is no wrangle at the Bar that the above directions would be squarely applicable in the present case as well. We, therefore, dispose of this Writ Petition by providing that the observations made in Judgment dated 2nd May 2025 and the directions contained in paragraph 22 thereof, shall apply with equal force in the present case. However, the timeline for compliance of the order in this case, would commence from the date of this order, i.e., today.

5. The Writ Petition stands disposed of accordingly.
6. In view of disposal of the Writ Petition, Interim Application also stands disposed of.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)