

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14185 OF 2024**

Nita Gopalrao DalviPetitioner

Versus

The State of Maharashtra & Ors.Respondents

Mr. Satyajeet A. Rajeshirke a/w. Mr. Gautam R. Kulkarni and
Mr. Shubham R. Vasekar for the Petitioner.

Mr. A.K. Naik, AGP for Respondent Nos.1 to 4.

Mr. Niranjana Jadhav for Respondent Nos.5 and 6 (through video
conferencing).

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

DATE : 20th FEBRUARY, 2025

P.C. :-

1. We had passed an order on 16th October, 2024 and
issued notice. For the last four months, the State has not filed any
reply though we had initially granted time till 12th November, 2024.

2. Respondent No.2 has filed an affidavit on a limited
point of invalidation of the Petitioner's sports certificate. The aspect
that the Petitioner has scored 107 marks and is already in the select
list from the general category and, therefore, she has been appointed
by the Buldhana Zilla Parishad because the cutoff marks for
appointment with the said Zilla Parishad is 104, has not been dealt

with. No reply has been filed by the State on this point despite the fact that this Court has delivered a judgment in *Vijay Appaso Dhavale v/s. State of Maharashtra and Ors.*¹

3. In *Vijay Appaso* (supra), reliance was placed on the judgment of the Hon'ble Supreme Court in *Saurav Yadav v/s. State of Uttar Pradesh*², more particularly, the observation of the Hon'ble Supreme Court that reservations, both vertical and horizontal, are methods of ensuring representation in public services. These are not to be seen as rigid slots, where a candidate's merit, which otherwise entitles her to be shown in the open general category, is foreclosed, as the consequence would be, if the State's argument is accepted.

4. Today, the State orally contends that the Petitioner cannot be appointed, though the Petitioner has scored 107 marks and is in the merit list from the general category, ignoring that she is a sportsperson and she had a validated sports certificate, which was subsequently invalidated after her appointment with the Buldhana Zilla Parishad.

¹ 2021 SCC OnLine Bom. 6071

² (2021) 4 SCC 542

5. In view of the above, since the State is not filing a reply and the hearing in this matter is truncated, one last chance is granted and at the request of the learned AGP, office to accept the reply since it is being filed tomorrow, i.e., 21st February, 2025.

6. List this Petition, on the supplementary board, on 26th February, 2025, for further hearing and dictating order.

7. The ad-interim relief would continue until further orders.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)