

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6038 OF 2025

VAIBHAV
RAMESH
JADHAV

Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2025.05.07
19:06:02 +0530

Shikshan Mandal Karad & Anr.

... Petitioners

V/s.

Vinay Vajirao Tonape & Ors.

... Respondents

Mr. Surel Shah, Senior Advocate with Vishwajeet Mohite and Ketan Joshi for the petitioners.

Mr. P. V. Nelsonrajan, AGP for the State-respondent No.4.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2025

P.C.:

1. Issue notice to the respondents, returnable on **30 July 2025**.
2. Prima facie applicability of executive orders passed by the government in exercise of power under Article 162 of the Constitution of India, authenticated under Article 166 of the Constitution of India, can override over statutory rules which occupied the field. It is well settled that the executive instructions cannot be issued when the field is occupied by either statute or subordinate legislation. Hence, the petitioners have made out a prima facie case.
3. Hence, Till 30 July 2025, there shall be ad-interim relief in terms of prayer clause (b).

4. The learned Senior Advocate appearing on behalf of the petitioners states that the respondents have filed caveat and the petitioners' advocate tried to serve the advocate for the respondents by sending copy of the petition through email informing today's date.

(AMIT BORKAR, J.)