

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

WRIT PETITION NO.6683 OF 2025

Bhagwat Haribhau Jokar & Ors.

... Petitioners

Vs.

Maharashtra Public Service Commission
& Ors.

... Respondents

Mr. Praveen B. Kamble a/w Kunal Bhavsar for the Petitioners.

Mr. Ashutosh Kulkarni a/w Siddharth Shitole for Respondent No.1-MPSC.

Ms. Tejas Kapre, AGP for Respondent No.2-State.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 18TH JULY 2025

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PC. :

1. Heard Learned Counsel for the parties.
2. By way of the present Writ Petition, the Petitioners are assailing the order of the Tribunal refusing to grant interim reliefs as prayed for in the pending Original Application.
3. It was submitted that the recruitment which is carried on by the Respondent-MPSC is completely contrary to the provisions of the Maharashtra State Reservation for Socially and Educationally Backward Classes Act, 2024 ('the said Act'). It is submitted that though the Clause 18(1) of the said Act specifically provides that the said Act shall not apply

to the recruitment in which selection process has already been initiated before the commencement of the Act, however, the Respondents have proceeded to apply provisions of the Act to the recruitment process in question, which started before the commencement of the Act. Various contentions have been raised by Learned Counsel for the Petitioners to submit that this is a fit case where the entire recruitment has to be stayed and that the order passed by the Tribunal needs interference. It is further submitted that insofar as the Non Creamy Layer ('NCL') certificate is concerned, the candidates, who have been permitted to participate, do not have the requisite NCL certificate of the relevant year, which is the requirement under the advertisement.

4. Learned Counsel for the Petitioners relied upon the decision of the Tribunal in Shital Digamber Sawant vs. The State of Maharashtra & Anr. dated 17th July 2025 in Original Application No.782 of 2025 in support of his submission in respect of the NCL certificate.

5. Learned Counsel for Respondent No.1-MPSC submitted that the process has already been started and it will take 2-3 months to publish final select list and thereafter further process of appointment will be done by the State Government.

6. In this view of the matter, we refuse to interfere in the impugned order passed by the Tribunal as the Original Application is still pending.

7. Learned Counsel for the Petitioners submits that in the Original Application, Affidavit in Reply has been filed by the Respondents and that the Petitioners will file Rejoinder by next week.

8. In this view of the matter, we request the Tribunal to decide the Original Application as early as possible, preferably within a period of twelve weeks from the date of filing of the Affidavit in Rejoinder by the Petitioners.

9. It is made clear that all steps taken by the Respondents shall be subject to the outcome of Original Application and no equity shall be claimed.

10. The Writ Petition is disposed of accordingly.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)