

LSP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17289 OF 2025

Sonul Annaso Kotwal ...Petitioner  
*Versus*  
The State of Maharashtra ...Respondents  
through the Additional Chief Secretary

Mr. S.S.Dere, with Ms. Arti Dere, Advocate Sachin Ambulkar, Ms.  
Sonali Pawar, Advocate for the Petitioner.  
Mr. N.C.Walimbe, Addl. G.P a/w. Ms. R.A. Salunkhe, AGP for the  
Respondents-State.

CORAM: SUMAN SHYAM &  
S. M. MODAK, JJ.

DATED: 22<sup>nd</sup> December 2025.

PC:-

1. Heard Mr. Dere, the learned counsel appearing for the Petitioner. Also heard Mr. Walimbe, the learned AGP appearing for the State.

2. The Government of Maharashtra had issued Advertisement bearing No.414/2023 in the month of December 2023 for filling up a number of posts in 16 cadres. There was reservation of posts for persons with locomotor disability belonging to the “one leg (OL)” category. The Writ Petitioner belongs to the OL category. After the written examinations were held and results were declared on 12<sup>th</sup>

March 2025, on 18<sup>th</sup> March 2025 an additional cadre, viz. 'Chief Officer', in the Urban Development Department, was added. However, for that cadre, preference for "OL" category candidate was not provided. As a result of the same, the Petitioner could not give his preference for the post of Chief Officer. Agrrieved thereby, the Petitioner had approached the learned Maharashtra Administrative Tribunal ("MAT") at Mumbai, by filing Original Application No.1425/2025 *inter alia* seeking interim relief since the last date for giving preference for the post of Chief Officer was notified as 18<sup>th</sup> December 2025.

3. The learned MAT by the impugned order dated 17<sup>th</sup> December 2025, has declined interim relief to the Petitioner by observing that there was delay and laches on his part in approaching the Tribunal and that the selection process was at a final stages. Assailing the order dated 17<sup>th</sup> December 2025 passed in Original Application No.1425/2025 denying interim relief to the Petitioner, he has approached this Court by filing present Writ Petition seeking an urgent order.

4. The State has tendered reply through Mr.Walimbe, the learned AGP, which is taken on record. The stand of the State is that since there is no G.R. providing for inclusion of 'OL category' disabled candidates for the post of Chief Officer, the Petitioner cannot be permitted to give preference for that post, that too, at such an advance stage of the selection process since it would upset the on-going process.

5. After hearing the submissions made at the bar and after going through the materials on record, *prima facie*, we find that

there is a policy decision by the State to include the post of Chief Officer for preference to be exercised for persons with disability of OL category. However, there is no implementation of such policy decision by the State by issuing G.R. In such circumstances, whether the Petitioner can be allowed to exercise the preference for the post of Chief Officer as a person with disability belonging to OL category is debatable. Therefore, the issue would require the adjudication on merits.

6. This Writ Petition has been preferred against an interlocutory order. The observations made therein are *prima facie* in nature, meant for the limited purpose of consideration of the prayer of interim relief. Therefore, such observation will not have any bearing at the time of final hearing of the Original Application. The Original Application, where the aforesaid issue is subjudice, is still pending before the MAT. As such, at this stage we are not inclined to express any opinion on the merit of the claim of the Petitioner. At the same time the Original Application filed by the Petitioner cannot also be rendered infructuous by declining any order of protection to him.

7. Situated thus, we request the learned MAT to decide the Original Application, as expeditiously as possible, without being influenced by the observations made in the order dated 17<sup>th</sup> December 2025.

8. Since the Petitioner/Original Applicant has expressed apprehension that his claim may be frustrutated if there is undue delay in disposal of Original Application and in view of the fact that the learned AGP has undertaken to file reply before the

learned MAT in the pending Original Application, within six weeks from today, we make a further request to the learned MAT to expedite the final hearing and disposal of the Original Application so as to avoid any prejudice being caused to either parties including present Petitioner-Original Applicant in the pending proceeding.

9. Before parting with the record, we make it clear that order of appointment, if any, made to the post of Chief Officer, during the pendency of the Original Application, shall be subject to the final order that may be passed in the Original Application by the learned MAT. Accordingly, in the appointment order for the post of Chief Officer, so issued, if any, the said fact shall be mentioned by the appointing authority.

10. With the above observations, the Writ Petition stands disposed of.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)