

{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 WRIT PETITION NO. 199 OF 2026

Kalyan Prakash Sangvikar

VERSUS

High Court Of Judicature At Bombay
Through Its Registrar General And Others

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Mr. R.N. Dhorde, Senior Advocate a/w Mr. V.R. Dhorde i/b Mr. Sanjay S. Dudhane, Advocate for Petitioner

Mr. P.R. Katneshwarkar, Senior Advocate i/b Mr. Avishkar S. Shelke, Advocate for Respondents No.1 and 2.

Mr. A.B. Girase, Government Pleader for Respondent No.3

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 19 JANUARY, 2026

PER COURT :-

1. The present petition has been filed for following reliefs:

“A) Call for the record and proceedings pertaining to the impugned communication dated 18.06.2025 and the recaderisation notification dated 27.01.2025, from the respondents, for kind perusal of this Hon'ble Court;

B) Hold and declare that the administrative side of the Hon'ble Bombay High Court is 'State' within the meaning of Article 12 of the Constitution of India and is, therefore, bound to implement the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and other provisions of reservation enshrined in the Constitution of India, in its entirety;

C) Hold and declare that the omission and/or inaction on the part of the Hon'ble Bombay High Court on its administrative side to implement the Reservation Act, 2001 in its administration since 29.01.2004 is unconstitutional and violative of Articles 14, 15, 16 and 335 of the Constitution of India,

{2}

D) Hold and declare that the impugned communication dated 18.06.2025 issued by respondents Nos. 1 and 2 is illegal, arbitrary, unreasoned and, therefore, the same is liable to be quashed and set aside being violative of Articles 12, 14, 15, 16, 19, 21 and 335 of the Constitution of India;

E) Issue a Writ of Mandamus or any other appropriate writ, order or direction, for directing respondent Nos. 1 and 2 to allow the representation of the petitioner dated 20.02.2025 in entirety by granting all consequential benefits including placement in the cadre of 'Private Secretary w.e.f. 17.05.2016 and further in the cadre of 'Senior Private Secretary' at Aurangabad Bench w.e.f. 14.02.2022, with all attendant monetary and service benefits;

F) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing respondent Nos.1 and 2, their officers and subordinates, to forthwith frame, publish, and maintain a reservation roster for all posts in the administration/ establishment of the Hon'ble Bombay High Court, strictly in accordance with the provisions of the Reservation Act, 2001 and the constitutional mandate.”

2. Heard the learned Senior Advocate Mr. Dhorde i/b learned advocate Mr. Dudhane for the petitioner. Learned advocate Mr. Avishkar Shelke waives service of notice for respondents No.1 and 2. We have also heard learned Senior Advocate Mr. Katneshwarkar i/b learned advocate Mr. Shelke. Learned Government Pleader Mr. Girase waives service of notice for respondent No.3.

3. It has been pointed out that one Public Interest Litigation No.15 of 2022 [Vikas Ramesh Gour Vs. The Hon'ble High Court of Judicature at Bombay through its Registrar General, Fort, Mumbai and others] was filed before this Court at Nagpur Bench, and the same was dismissed by

an order dated 06.04.2022. It was on the point of *locus standi* to file Public Interest Litigation. Thereafter, it is pointed out that another writ petition almost on the same ground is filed by Maharashtra Charmakar Mahasangh and another Vs. High Court of Judicature of Bombay and others [Writ Petition No.10872 of 2018 with companion matter], and according to the petitioner, the said petitioner is still pending. One more petition filed by Pradnya Bhuite and Another Vs. High Court of Judicature of Bombay and 3 others [Writ Petition (L) No.2089 of 2018] in which by an order dated 03.07.2018, notices were issued and learned Senior Counsel appearing therein for the respondent was directed to take appropriate instructions. It is stated to be still pending before the Principal Seat and by an order dated 02.08.2023 in Pradnya Bhuite's matter, an order was passed directing the Registry to take steps to place the petition before the Hon'ble the Chief Justice for order of assignment. Thereafter, writ petition No.4351 of 2023 filed by Kaveri Goraksh Ghule was filed before this Bench and by an order dated 18.04.2023, notices were issued to respondents and as per the statement made in the petition, this petition has been transferred to the Principal Seat.

4. Taking into consideration the prayer clauses, the learned Senior Advocate Mr. Katneshwarkar has raised the issue of maintainability, and he relied on the decision of ***Mukesh Kumar and Another Vs. State of***

Uttarakhand and Others, (2020) 3 SCC 1, wherein observations have been made that, “The central point that arose for our consideration in these appeals is whether the State Government is bound to make reservations in public posts and whether the decision by the State Government not to provide reservations can be only on the basis of quantifiable data relating to adequacy of representation of persons belonging to Scheduled Castes and Scheduled Tribes”. Further, it has been observed that, “Articles 16(4) and 16(4-A) do not confer fundamental rights to claim reservations in promotion”, and therefore, the petitioner cannot claim the right to promote on the basis of his caste. His representation for promotion on the said ground has been rejected by the Hon’ble the Chief Justice of this court. Learned Senior Advocate Mr. Katneshwarkar also takes objection that a declaration has been prayed that the administrative side of the Bombay High Court to be declared as ‘State’ within the meaning of Article 12 of the Constitution of India and it is sought to implement the Maharashtra State Public Services [Reservation for Scheduled Castes, Scheduled Tribes, De-notified (Vimukata Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes], Act, 2001. He also submits that the administrative side cannot be considered as ‘State’, and therefore, when the rules and regulations are governed and can be formulated only by the High Court, then the prayer clauses cannot be granted.

5. In response, learned Senior Advocate Mr. Dhorde for the petitioner submits that, in fact, in other High Courts, the reservation policy for promotional posts is made applicable, and that the Hon'ble Supreme Court of India has also formulated rules in that regard; and that even the advertisement dated 05.06.2025, as well as the model reservation roster and register for direct recruitment, make special provision. He therefore contends that this Court ought not to treat the present case as an exception.

6. We have already noted that petitions involving the same subject matter are pending at two places, i.e. before this Bench as well as at the Principal Seat. So also, when Writ Petition No. 4351 of 2023 has been transferred to the Principal Seat, we are of the opinion that the present matter also needs to be transferred to the Principal Seat. The latest General Order issued by the Hon'ble the Chief Justice on 16.02.2021, is superseded the earlier General Orders, especially General Order dated 22.11.2019. Following is the relevant part of the General Order dated 16.02.2021:

“A suitor is *dominus litis*. Control/carriage of proceedings lies with him. If one has a choice of presenting a Writ Petition before a particular Bench of the Bombay High Court / Bombay High Court at Goa by reason of accrual of part cause of action, it would be inappropriate not to allow the suitor to have proceedings carried on at the Bench having jurisdiction to deal with it, which he has approached

{6}

in accordance with law, unless, of course, the said Bench directs to the contrary considering *forum conveniens* or otherwise. Unless there be a judicial order to this effect, the mere fact that all records are available in Mumbai ought not to weigh in the mind of the Chief Justice in depriving the suitor of his right as *dominus litis*.”

7. Therefore, the decision of the Bench to transfer the matter would be important. Though the record pertaining to the promotion in which the petitioner participated is available with this Bench, yet when it comes to implementation of the policy, and/or in other words when it is a matter of policy, similar matters are required to be clubbed together. Accordingly, after issuance of notice to the respondents and upon the respective learned advocates waiving service of notice, we direct the Registry to transfer this petition for placing it before the Hon’ble the Chief Justice for the purpose of clubbing all such matters and for orders of assignment.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE