IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.19057 OF 2024

Prakash Ramdas Shelke ...Petitioner
Versus
The State of Maharashtra
Through its Principal
Secretary Urban Development
Department Mantralaya Mumbai & Ors ...Respondents

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Mr Ram Santosh Malani, with Pralhad Chagan Bhagure, for Petitioner.
Mr Aditya R Deolekar, AGP for Respondent-State.
Mr Yashodeep Deshmukh, with Vaidehi Deshmukh and Pratishtha Shukla, for Respondent Nos.2 to 4.
Mr Raghav Taneja i/b Vidhi Partners, for Respondent No.5.

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CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

DATE: 07 OCTOBER 2026

P.C.

1. This Writ Petition under Article 226 of the Constitution of India is filed praying for the following reliefs:-

> "A) This Writ Petition may kindly be allowed;
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> B) By issuing a writ of mandamus, orders, directions, or any other appropriate writ in like nature, the respondents direct thereby authorities to quash and set aside, the selection of the respondent no.5 for the post of Extension Officer (Education) Class-3 Grade-II and for that purpose issue necessary orders;
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> C) By issuing a writ of mandamus, orders, directions, or any other appropriate writ in like nature, direct the respondent authorities to cancel / remove the name of the respondent no.6 from waiting list Sr.

No. 1 maintained for the post of Extension Officer (Education) Class-3 Grade II and for that purpose issue necessary orders;

D) By issuing a writ of mandamus, orders, directions, or any other appropriate writ in like nature, direct the respondent authorities to issue appointment order on the post of Extension Officer (Education) Class-3 Grade-II from EWS Category to the petitioner and for that purpose issue necessary orders;

E) By issuing a writ of mandamus, orders, directions, or any other appropriate writ in like nature, the respondent authorities may kindly be directed to decide the objection / representation filed by the petitioner on 21.08.2024 for that purpose, issue necessary orders;

F) Pending hearing and final disposal of this writ petition, direct the respondent authorities not to proceed with recruitment to the extent of the post Extension Officer (Education) Class-3 Grade-II from EWS Category for that purpose, issue necessary orders;

G) Pending hearing and final disposal of this writ petition, the respondent authorities may kindly be directed to decide the objection /representation filed by the petitioner on 21.08.2024 for that purpose, issue necessary orders;

H) Pass such other and further orders, as this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case."

2. The reliefs as sought by the Petitioner are that the selection of Respondent No.5 from the Economically Weaker Section ('**EWS**') Category for the post of 'Extension Officer' be set aside as also the name of Respondent No.6 in the waiting list at Sr. No.1 also be not acted upon on the ground that Respondent Nos.5 and 6 are held to be not eligible to be falling under the EWS Category. It is hence, the Petitioner's case that the Petitioner has become eligible, being at Sr. No.2 in the waiting list, to be appointed on the post of 'Extension Officer'.

3. The facts lie in a narrow compass:

An advertisement was issued on 5th August 2023 inviting applications for the appointment to the posts of 'Extension Officer (Education) Class-3 grade-II' by Respondent Nos. 2 and 3 to be filled *inter alia* from the EWS Category. At the relevant time, there were total 10 posts, which were available, out of which, 2 posts were reserved for the EWS Category, from which, one post was reserved for the female category.

4. The Petitioner applied for the post of 'Extension Officer' under the EWS Category under the said advertisement. Respondent No.5 was selected having secured 156 marks. Both the Petitioner and Respondent No.6 secured 150 marks in the examination, which was held for the post of 'Extension Officer'. The Petitioner was listed at Sr.No.2 whereas Respondent No.6 was listed at Sr. No.1, in the waiting list. There appears to be no dispute in this regard. On 14th August 2024, Respondent No. 4 issued letter to the Petitioner calling upon him to submit documents for verification, which were accordingly submitted on 18th August 2024.

5. It is the Petitioner's case that income of Respondent Nos.5 and 6 was higher than what was required than the income prescribed so as to fall under the EWS Category under the norms set out in the Government Resolutions ('**GR**') dated 12.02.2019 and 31.05.2021. In such context, our attention is drawn by the learned counsel for the Petitioner to an order dated 18th March 2025 in the application made by the Petitioner assailing the EWS Certificate granted in favour of Respondent No.5. By the said order, the EWS Certificate No.41083279861 dated

12.08.2023 issued by the Tahsildar, Kandhar, in favour of Respondent No.5 was declared to be invalid. Similarly, in respect of Respondent No.6, the Petitioner had made an application challenging the EWS Certificate granted to Respondent No.6 on which an order came to be passed on 17th March 2026 by the competent officer whereby the EWS certificate dated 14th May 2023 issued in favour of Respondent No.6 was set aside.

6. In the aforesaid conspectus, it is the Petitioner's contention that there is no impediment whatsoever for Respondent Nos.2 to 4 to appoint the Petitioner on the post of 'Extension Officer' as both Respondent Nos.5 and 6 are not eligible for selection under the EWS Category. Our attention is drawn to the ad-interim relief granted on the present petition by an order dated 8th January, 2025, which reads thus :-

> "1. The Petitioner has grievance against Respondent Nos.5 and 6, as according to him, they are not entitled to avail the benefit of EWS category and, since, they find themselves placed in the selection list for the post of Extension Officer prepared by Respondent No.2, the Petition is filed praying for setting aside of their selection.
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> We are informed that the appointment order is not yet issued by the District Selection Committee, despite selection and, therefore, we deem it appropriate to issue notice to Respondent Nos.2 to 6, by making it returnable on 03/02/2025. Hamdast granted. Notice is permitted to be served through private mode of service.
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> The learned A.G.P. waives service of notice on behalf of Respondent No.1, whose nomenclature is wrongly mentioned as Principal Secretary, Urban Development Department, which according to him, ought to have been the Principal Secretary, Rural Development Department.
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> The Petitioner is permitted to carry out the necessary amendment to that effect.

2. Accepting the statement made by the Petitioner that no appointment order is issued on the post of Extension Officer, we direct Respondent No.4-Zilla Parishad, Palghar not to issue any annointment order till the next date of hearing."

7. Learned counsel for Respondent Nos. 2 to 4 submits that she has no instructions. Respondent Nos. 5 and 6 have also not disputed the aforesaid position. Thus, it appears that under the selection process in question indisputably, Respondent Nos.5 and 6 are not eligible so as to maintain any claim for selection/ appointment on the post of 'Extension Officer' as they are 'Not Eligible' under the EWS Category. There is no dispute that the Petitioner falls under the EWS Category as none of the credentials of the Petitioner are disputed.

8. In this view of the matter, in our opinion, the Writ Petition would be required to be allowed and it is allowed in terms of prayer clauses (B), (C) and (D).

9. If already appointment order is not issued in favour of the Petitioner, let the same be issued within a period of three weeks from today.

10. The Writ Petition stands disposed of. No costs.

(DR. NEELA GOKHALE, J.) **(G. S. KULKARNI, J.)**

SHAMBHAVI NILESH SHIVGAN

Digitally signed by SHAMBHAVI NILESH SHIVGAN
Date: 2026.10.12 16:31:54 +0530