

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3464 OF 2026

Nikhil Prabhakar Shedge

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Abhijeet Desai with Mohini Rehpade, Vijay Singh, Deepesh R.,
Daksha Punghera and Karan Gajra, for the Petitioner.

Mr. Kedar B. Dighe, Additional G. P., for the Respondent Nos. 1 and
3-State.

Mr. Sarthak Diwan with Vipul Raut i/b Aashutosh M. Kulkarni, for
the Respondent No.2.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 13th MARCH, 2026.

PC:-

1. Not on board. Upon mentioning, taken on board.
2. Heard Mr. Desai, learned Counsel appearing for the
Petitioner. Also heard Mr. Dighe, learned Additional Government
Pleader appearing for the Respondent Nos. 1 and 3-State and Mr.
Diwan, learned Counsel appearing for the Respondent No.2-MPSC.

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3. The Writ Petitioner herein is suffering from benchmark disability of low vision and belongs to the category of persons with Disability (PWD). Pursuant to the Advertisement Notice dated 18th March, 2025, issued by the Respondent No.2, inviting applications for filling up various posts including the post of Assistant Regional Transport Officer ('ARTO'), the Writ Petitioner had submitted his candidature and had also participated in the preliminary examination. According to the Petitioner, post of ARTO was reserved for persons with benchmark disability or blind/low vision. Therefore, the Petitioner is entitled to the benefit of such reservation. The Petitioner has cleared the preliminary examination. In terms of the Advertisement Notice dated 27th February, 2026, he is now required to participate in the mains examination. However, the grievance of the Petitioner is that in the absence of driving licence, the application of the Petitioner is not being accepted in the online portal, as a result of which, the Petitioner is not being permitted to participate in the mains examination.

4. Being aggrieved in the matter, the Petitioner, as original applicant, had earlier approached the learned Maharashtra

Administrative Tribunal ('MAT') by filing Original Application No. 236 of 2026, *inter-alia*, praying for urgent interim order permitting him to submit online application for the mains examination. However, by the impugned order dated 12th March, 2026, the learned MAT has declined interim relief to the Writ Petitioner, primarily on the ground that as per the Recruitment Rules, possession of a valid driving licence is a must for appointment to the post of ARTO, which the Petitioner does not possess. Therefore, it was observed that if the terms of the Advertisement is incompatible with the Recruitment Rules, the later would prevail.

5. Referring to the documents available on record, more particularly, the GR dated 26th February, 2021, the learned Counsel Mr. Desai has argued that the Writ Petitioner, being a person with low vision, belongs to the benchmark category of disability. The said category has also been clearly projected in Advertisement Notice as one of PWD categories of candidate for which there is reservation of post(s). The Petitioner has cleared the preliminary examination. It is, therefore, wholly impermissible on the part of the State to now deny an opportunity the Petitioner to participate

in mains examination. As such, submits Mr. Desai, a direction be issued to the Respondents to permit the Petitioner to submit his online application for participating in the mains examination without insisting for the driving licence.

6. The prayer of the Petitioner has been stoutly opposed by the learned AGP Mr. Dighe, appearing for the Respondent Nos. 1 and 3-State, who submits that, as per the Recruitment Rules, a blind/low vision category person cannot perform the duties of ARTO inasmuch as, as per the functional requirement of the post, the candidate will have to regularly carry out exercises which would include issuance of driving licences which task cannot be performed by a blind person or a person with low vision. Under such circumstances, Mr. Dighe submits that Writ Petitioner cannot be appointed as ARTO.

7. Insofar as the Advertisement Notice is concerned, it is the submission of the learned AGP that, although initially blind/low vision category candidates were included, yet, subsequently, by issuing a corrigendum the said position has been rectified.

8. After hearing the submissions made by learned Counsel for the parties, what transpires is that the Petitioner is basically seeking a direction from this Court upon the Respondents to permit him to participate in the mains examination without insisting on the driving licence. However, as per the provision of Rule 3(1)(iii) and (v), a candidate to be appointed to the post of Assistant Regional Transport Officer ('ARTO') must possess a valid driving licence and also possess good vision with or without spectacle and is not colour blind. The Writ Petitioner evidently does not fulfill such requirement of the Rules. Therefore, unless the Recruitment Rules are relaxed, the appointment of the Petitioner in the post of ARTO would not be permissible.

9. Viewed from that angle, we do not find any infirmity in the impugned order dated 12th March, 2026, passed by the learned MAT. However, considering the fact that the Writ petitioner was permitted to participate in the preliminary round as a low vision (PWD) category candidate and in view of the fact that the present Writ Petition is directed against the interim order of the learned Tribunal and the Original Application is still pending disposal before the learned MAT, by balancing equities, we hereby direct

that the Respondents shall allow the Petitioner to provisionally submit his application for the mains examination, without insisting on a copy of the driving licence and he shall be permitted to participate in the mains examination.

10. We, however, make it clear that this order will not create any equity in favour of the Petitioner. The question of his appointment in the post of ARTO would depend on his performance in the examination, the provisions of the Rules and the final order that may be passed by the learned MAT.

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

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)