



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4821 OF 2017

Gajanan Padmakar Harad & Ors. ...Petitioners
V/s.
The Brihanmumbai Municipal Corporation & Ors. ...Respondents

ORDINARY ORIGINAL CIVIL JURISDICTION

WITH
WRIT PETITION NO. 4588 OF 2022

Sanjay Vasant Kambli Ors. ...Petitioners
V/s.
Municipal Corporation of Greater Mumbai & Ors. ...Respondents

WRIT PETITION NO. 466 OF 2020

Nagesh Ramdas Jadhav ...Petitioners
V/s.
Municipal Corporation for Greater Mumbai & Ors. ...Respondents

Mr. Joel Carlos for the Petitioner in WP/4821/2017.
Mr. Atul Damle, Sr. Advocate a/w. Mr. Joel Carlos for Petitioner in
WP/466/2020& WP/4588/2022.
Mr. R. Y. Sirsikar for Respondent BMC in WP/4821/2017.
Ms. Shilpa Redkar for Respondent-BMC in WP/466/2020 &
WP/4588/2022.

CORAM : SUNIL B. SHUKRE, AND
FIRDOSH P POONIWALLA, J.J.
DATE : 6th SEPTEMBER 2023

PC.

1. Heard. With the assistance of the learned Senior Advocate and
also Mr. Carlos for the Petitioners, we have gone through the detailed order

passed on 5th March 2019 in connected matter being WP No. 349 of 2018. Prima facie, we find that there should be no reason for the Corporation to not consider these Petitioners as eligible for being appointed to the post of Junior Engineer from the in house quota of 20%, for the reason that these Petitioners possess a diploma from colleges recognized by University Grants Commission (“UGC”), although, the diploma may not have been recognized by the All India Council For Technical Education (“AICTE”). However, there may be guidelines of the State Government providing for diploma holders from the colleges recognized by the AICTE as eligible for being appointed to the post of Junior Engineer. But a larger issue would also have to be considered as to whether such restriction to AICTE diplomas only, would be valid in law or not. Then there would also be an issue about the applicability of such restriction to the Petitioners, particularly when the facts would show that the Petitioners had obtained diploma from colleges recognized by the UGC before such restriction was brought into force by the State Government. These issues will have to be answered appropriately by the Corporation by filing its reply. We direct the Corporation to file its reply so that we can take up these Petitions for final disposal at the admission stage.

2. We also direct the Corporation to keep vacant 64 posts of Junior Engineers, if it intends to start the appointment process till final disposal of these Petitions.

3. Stand over to 4th October 2023.

(FIRDOSH P. POONIWALLA, J.)

(SUNIL B. SHUKRE, J.)