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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6152 OF 2026

Mayur Sakharam Sawant

Age:31 Occ: Student, R/o. D/203,
Divyesh Complex, near Gurudham Hotel,
Opp. K.D.M.C. D Ward, Gawli Nagar,
Pune Link Road, Kalyan (East),
Thane, Maharashtra 421 306.

....Petitioner

Versus

1. State of Maharashtra

Through the Principal Secretary,
9th Floor, New Mantralaya,
Gokuldas Tejpal (GT) Hospital Building,
Lokmanya Tilak Marg, Mumbai-400 001.

2. The Director,

Directorate of Medical Education and Research,
Government Dental College and Hospital Building,
4th Floor, St. George's Hospital Compound,
P. D'Mello Road, Fort, Mumbai 400 001.
Gmail:director.dmer@gmail.com

3. The Commissioner,

Commissionerate of Medical Education,
Research and AYUSH, Maharashtra,
Office at the Government Dental College and Hospital Building,
4th Floor, St. George's Hospital Compound,
P. D'Mello Road, Fort, Mumbai 400 001.
Gmail:commissioner-dmer@mah.gov.inRespondents

Mr. Anand R. Bangar i/b. Mr. Nagraj Tarade, for the Petitioner.

Mr. P. P. Kakade, Addl. GP a/w. Ms. D. S. Deshmukh, AGP for
Respondent Nos.1 to 3 – State.



**CORAM : RAVINDRA V. GHUGE
&
HITEN S. VENEGAVKAR, JJ.**

DATE : 5th MAY, 2026

ORAL JUDGMENT : (PER HITEN S. VENEGAVKAR, J.)

1. **Rule.** Rule is made returnable forthwith. With the consent of the learned Counsel appearing for the parties, the Petition is taken up for final disposal at the stage of admission.

2. The present Petition under Article 226 of the Constitution of India has been instituted by the Petitioner seeking directions against Respondents Nos.2 and 3 to permit the Petitioner to complete the document verification process by granting an extension and/or one further opportunity before finalisation of the final merit list in the recruitment process initiated pursuant to Recruitment Notification No.4/853/25 issued by the Commissioner, Medical Education, Research and AYUSH, Maharashtra, for the post of Social Service Superintendent (Medical). In the alternate, the Petitioner seeks a direction to the Respondent authorities to decide his representation dated 1st April, 2026 before publication of the final merit list.



3. The case of the Petitioner as pleaded in the Petition is that the Respondent authorities had initiated a recruitment process for the Group-C post of Social Service Superintendent (Medical) and the Petitioner had applied under the SEBC category through online application bearing No.230016267. The Petitioner appeared for the examination conducted on 26th September, 2025 pursuant to the recruitment schedule published by the Directorate of Medical Education and Research. According to the Petitioner, the first provisional merit list came to be published on 26th January, 2026 followed by a notice dated 27th January, 2026 regarding document verification. Thereafter, the Petitioner's name appeared in the second provisional merit list published on 12th March, 2026 and the Petitioner was allotted the date of 25th March 2026 for document verification. The Petitioner contends that Respondent No.2 had thereafter issued an email communication dated 17th March, 2026 granting one last extension to candidates who could not complete document verification due to unavoidable circumstances. The Petitioner asserts that during the relevant period he was unable to access his email on account of unavoidable circumstances and health issues and, therefore, remained unaware of the notified schedule. According to him, he came to know about the document



verification process only on 28th March, 2026, whereafter he immediately approached the Respondent authorities and submitted applications and representations on 1st April, 2026 requesting one final opportunity to complete the process. It is the grievance of the Petitioner that despite such representations, the Respondent authorities neither considered his request nor granted him an opportunity to submit documents and consequently the Petitioner has approached this Court invoking Writ Jurisdiction.

4. The learned counsel appearing for the Petitioner submitted that the Petitioner had missed the document verification process for *bona fide* reasons arising out of his medical condition and inability to access his email during the relevant period. It was argued that since the final merit list has not yet been published, no prejudice whatsoever would be caused either to the Respondent authorities or to any other candidate if one final opportunity is granted to the Petitioner. The learned Counsel submitted that the authorities themselves had granted extension to certain candidates from the first provisional merit list and, therefore, denial of similar treatment to the Petitioner amounts to arbitrary discrimination violative of Article 14 of the Constitution of India. It was further



argued that the Petitioner had acted diligently immediately upon acquiring knowledge of the missed schedule by submitting representations to the authorities and, therefore, the authorities ought to have exercised discretion in favour of the Petitioner. The learned Counsel urged that oral rejection of the Petitioner's representation without affording an opportunity of hearing amounts to violation of principles of natural justice. The doctrine of legitimate expectation was also invoked by contending that once extensions were granted to similarly situated candidates, the Petitioner legitimately expected similar indulgence from the State authorities. The learned Counsel thus submitted that the Respondent authorities be directed to accept the Petitioner's documents for verification or, in the alternate, be directed to decide the Petitioner's representation by passing a reasoned order after hearing the Petitioner.

5. Per contra, the learned Additional Government Pleader appearing for the Respondent authorities opposed the Petition and submitted that the Petitioner admittedly failed to remain present on the date specifically notified for document verification. It was submitted that the Petitioner has taken inconsistent and vague stands



in the Petition regarding the reasons for his absence. The learned AGP pointed out that while in one part of the Petition, the Petitioner attributes his absence to illness, in another part he states that he was not regularly accessing his email and therefore remained unaware of the notified dates. It was submitted that the Petitioner has failed to furnish any particulars whatsoever regarding the alleged illness and no supporting Medical Certificate or documentary material has been produced to substantiate the alleged medical incapacity. The learned AGP further invited attention to the Petitioner's own representation dated 7th April, 2026 addressed to the Minister for Medical Education wherein the Petitioner himself acknowledged that two opportunities had already been granted to him for document verification and despite the same he failed to complete the process. It was further submitted that the entire process of document verification has already been concluded and the final selection list is ready for publication. According to the Respondent authorities, the Petitioner's conduct clearly demonstrates negligence and lack of diligence and such casual conduct cannot be elevated to a *bona fide* ground warranting interference under Article 226 of the Constitution of India. The learned AGP therefore submitted that no case for judicial interference is made out and the Petition deserves dismissal.



6. Having heard the learned Counsel appearing for the parties and having perused the material placed on record, we are of the considered opinion that the Petition is devoid of merits. The entire edifice of the Petitioner's case rests upon the assertion that he could not participate in the document verification process due to unavoidable circumstances and health issues. However, except making vague averments, the Petitioner has not produced any cogent material whatsoever in support of such assertions. No Medical Certificate, prescription, hospital record, Diagnostic Report or any contemporaneous document has been placed on record to demonstrate either the nature of the illness or the extent of incapacity suffered by the Petitioner during the relevant period. Mere bald assertions unsupported by material particulars cannot furnish a legal foundation for invoking extraordinary writ jurisdiction.

7. What is further significant is that the Petitioner has adopted mutually inconsistent explanations in the pleadings. In one breath the Petitioner attributes his absence to health issues and in another he states that he failed to regularly access his email and therefore remained unaware of the notified schedule. Such



inconsistent pleadings materially erode the credibility of the Petitioner's explanation. In service jurisprudence and recruitment processes governed by public notifications and competitive selection, candidates are expected to exercise a high degree of diligence and vigilance. Failure to regularly monitor official communications, particularly in an online recruitment process, cannot be accepted as a *bona fide* excuse. Negligence on the part of a candidate cannot create a corresponding obligation upon the authorities to reopen concluded stages of recruitment.

8. The law is well settled that Courts exercising jurisdiction under Article 226 ordinarily do not interfere with recruitment processes once the process has substantially progressed unless arbitrariness, *mala fides* or violation of statutory provisions is clearly established. In ***Madan Lal & Ors. vs. State of J & K. & Ors.***¹, the Supreme Court held that candidates who participate in a selection process with full knowledge of the procedure cannot subsequently challenge the process after being unsuccessful therein. The principle underlying the said judgment is that certainty and finality in public recruitment cannot be sacrificed at the altar of

1 (1995) 3 SCC 486



individual negligence or convenience.

9. Similarly, in ***Bedanga Talukdar vs. Saifudaullah Khan & Ors.***², the Supreme Court reiterated that conditions stipulated in recruitment notifications are required to be strictly adhered to and neither the recruiting authority nor the Court can ordinarily relax essential conditions unless such power is expressly reserved. The Court observed that adherence to the terms of the advertisement ensures fairness, transparency and equal treatment amongst all candidates participating in the process. The ratio squarely applies to the facts of the present case where the Petitioner admittedly failed to comply with the notified schedule for document verification.

10. The contention regarding violation of Article 14 and alleged discrimination also deserves rejection. The Petitioner has failed to establish that he is identically situated with the candidates who were earlier granted extension. The material on record indicates that the Respondent authorities had granted one final opportunity to candidates who could not participate in the process for *bona fide* and substantiated reasons. The Petitioner has failed to demonstrate

² (2011) 12 SCC 85



that his case stood on the same footing. Equality under Article 14 is a positive concept and cannot be invoked in the abstract or in the absence of factual parity. The doctrine of negative equality is impermissible in law. In ***State of Bihar v. Upendra Narayan Singh & Ors.***³, the Supreme Court held that Article 14 does not envisage negative equality and an illegality or irregularity committed in favour of one individual cannot be relied upon by another to claim similar treatment.

11. Equally untenable is the Petitioner's contention founded on principles of natural justice and legitimate expectation. The Petitioner had no vested or accrued right to seek repeated opportunities beyond the notified schedule. Participation in a recruitment process is governed by the terms of the advertisement and procedural stipulations applicable uniformly to all candidates. The doctrine of legitimate expectation cannot operate contrary to statutory or procedural requirements nor can it compel the State to indefinitely keep recruitment processes open. In ***Union of India v. Hindustan Development Corporation & Ors.***⁴, the Supreme Court explained that legitimate expectation cannot override public interest

3 (2009) 5 SCC 65

4 (1993) 3 SCC 499



or established procedure and cannot be invoked to claim a benefit contrary to law.

12. The submission that the Petitioner's representation was orally rejected without hearing also does not advance the Petitioner's case. The principles of natural justice are not embodied rules to be mechanically applied in every situation irrespective of the factual context. In matters involving public recruitment governed by notified timelines, every candidate is expected to comply with the prescribed schedule. The Petitioner's admitted absence on the notified date coupled with failure to furnish any satisfactory explanation disentitles him from claiming any enforceable right to a personal hearing before rejection of his request. Moreover, the material placed on record indicates that the recruitment process has already substantially progressed and reopening document verification at this stage would adversely affect administrative finality and delay publication of the final selection list.

13. The Supreme Court in *Shankarsan Dash v. Union of*



*India*⁵ held that even inclusion in a select list does not confer any indefeasible right to appointment. In the present case, the Petitioner had merely reached the stage of provisional selection subject to document verification and had failed to comply with an essential procedural requirement within the stipulated time. Therefore, no enforceable legal right can be said to have accrued in favour of the Petitioner warranting interference under Article 226 of the Constitution of India.

14. Public recruitment processes involve participation of a large number of candidates and are required to be conducted with certainty, transparency and adherence to timelines. Courts cannot permit such processes to be repeatedly reopened on vague and unsupported pleas. Acceptance of such claims would seriously prejudice administrative discipline and create uncertainty in public appointments. Judicial review under Article 226 is concerned with the decision-making process and not with substituting administrative discretion unless manifest arbitrariness or illegality is demonstrated. In the present matter, we find no arbitrariness, *mala fides* or procedural illegality on the part of the Respondent authorities.

5 (1991) 3 SCC 47



15. For all the aforesaid reasons, we are of the considered opinion that the Petitioner has failed to make out any case for interference under Article 226 of the Constitution of India. **The Petition is accordingly dismissed.**

16. **Rule stands discharged.** No order as to costs.

(HITEN S. VENEGAVKAR, J.) (RAVINDRA V. GHUGE, J.)