

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) No. 2089 of 2018

Pradnya Bhuite and Anr ..Petitioners.  
Vs  
High Court of Judicature of Bombay  
and 3 others. ..Respondents.

Ms Pradnya Talekar a/with Mr. Vinod Sangvikar and Ms. Madhavi  
Ayyappan I/by M/s Talekar & Associates for the petitioners.  
Mr. Sudhir Talsania, Senior Advocate for Respondent No.1.

**CORAM : NARESH H. PATIL &  
G.S. KULKARNI, JJ.  
DATED :3<sup>rd</sup> July, 2018.**

**P.C. :**

- 1) The learned Counsel for the petitioners seeks leave to delete petitioner No.2 in the individual capacity from the array of the petitioners. Leave granted. The name of Petitioner No.2 stands deleted from the array of the petitioners. The amendment to be carried out before the next date.
- 2) The learned Counsel for the petitioners submits that the petitioner had participated in the selection process of recruitment of staff undertaken by the respondent High Court Administration. The petitioner has been shortlisted as a Junior Clerk.

3) At this stage, the learned Counsel for the petitioner has raised an academic issue; that the respondent no.1 ought to have provided for Constitutional Reservation as per the provisions of the Maharashtra Public Services Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes, (Vimukta Jatis), Nomadic Tribes, Special Backward Category and other Backward Classes Act, 2001.

4) It is submitted that near about all the High Courts in the country have prescribed such norms of reservation by framing Rules to that effect. The counsel refers to a compilation placed on record. It is submitted that respondent No.1 High Court at Bombay Administration, would consider providing reservation prescribed under the Statutory provisions of the Act, 2001.

5) The learned Senior Counsel appearing for the respondent submitted that petitioner No.1 willingly participated in the selection process, she has been shortlisted. Therefore, at this stage, the petitioner is not entitled to raise issue in respect of the conditions of the advertisement. The petitioner's locus has been questioned by the learned counsel for the respondents. It is submitted that academic issue raised by the petitioner may be considered in an appropriate proceedings but in the facts of the case the petition, itself, would not be maintainable. However, the learned Senior Counsel submits that on the legal issue raised by the petitioner he

would seek necessary instructions.

6) It is a matter of record that the petitioner participated in the undergoing recruitment process in which she has been shortlisted, according to the statement made. Considering the legal issue raised by the petitioner in respect of the applicability of the provisions of the Act, we grant time to the learned Senior Counsel appearing for the respondents for taking appropriate instructions.

Stand over to 31<sup>st</sup> July, 2018.

**(G.S. KULKARNI,J)**

**(NARESH H. PATIL, J.)**