

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 311 OF 2020

Dr. Varsha Mayur Dhume & Ors. ... Petitioners

Versus

The Municipal Corporation of

Greater Mumbai & Ors. ... Respondents

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Ms. Anjali P. Yajurvedi for the Petitioners.

Mr. Narendra V. Walawalkar, Senior Advocate, a/w Mr. Yashodeep
Deshmukh, Ms. Rupali Adhate for M.C.G.M.

Ms. Jyoti Chavan, A.G.P. for the Respondent-State.

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**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : 1st MARCH, 2021.

PC. :-

1 Heard the learned Counsel for the parties.

2 The learned Counsel for the Petitioners submits that by this
Petition under Article 226 of the Constitution of India they are challenging
advertisement issued by Respondent-Corporation dated 10.09.2019 for

appointment of associate Professors in several departments. She submits that this Petition specifically challenges the said advertisement on the ground that there is no question of giving any reservation under category of SEBC and EWS. She submits that the Apex Court by order dated 27.07.2020 in Special Leave to Appeal (Civil) No.15737 of 2019 recorded the statement made by the Counsel appearing on behalf of the State stating that all other departments shall not undertake any type of fresh recruitment process on the basis of these two reservations except the Public Health Department and Department of Medical Education and Research. The learned Advocate for the Petitioner relies on following observations of the Apex Court which reads thus :

“At the outset, Mr. Mukul Rohatgi, learned senior counsel appearing for the State of Maharashtra submitted that as per the Government Resolution which was passed by the State of Maharashtra on 04.05.2020, except Public Health Department and Department of Medical Education and Research, all the other Departments shall not undertake any type of fresh recruitment process. He submitted that it is difficult to proceed with the hearing of the case as the officers of the State Government have not been able to effectively assist their counsel in preparing for the hearing. The other counsel appearing for the respondents

have also submitted that the matters require to be heard after the court commences physical hearing.”

“Mr. Mukul Rohatgi and Mr. P.S. Patwalia, learned senior counsel appearing on behalf of the State of Maharashtra submitted that no regular appointments shall be made in terms of the GR dated 04.05.2020 till 15.09.2020. The urgency shown for final hearing by the petitioners was due to the main grievance that the State Government is proceeding to fill up all the vacant posts. As the State Government undertakes not to make any regular appointments in terms of the GR dated 04.05.2020 till 15.09.2020, the matters can be listed for hearing after four weeks by which time the situation caused due to the Pandemic may improve. As the PG medical admissions are at the final stage, we are not inclined to interfere with the admissions. Admissions to undergraduate medical courses without applying reservation as per the impugned legislation will be considered at the next date of hearing.”

3 The learned Advocate for the Petitioners submits that recently the Corporation by their office order dated 09.02.2021 appointed Dr. Vaishali Chaskar, Dr. Vaishali Solanki, Dr. Rakesh Shedge and Dr. Dattatray Dombe by applying SEBC category reservation which is contrary to the order passed by the Apex Court.

4 At this stage, the learned Senior Counsel Mr. Narendra V. Walawalkar, appearing on behalf of the Corporation submits that today morning he received the copy of office order dated 09.02.2021 issued by the Corporation. Hence, he requires some time to take instructions and file additional affidavit in reply explaining whether these persons are appointed by applying SEBC and EWS reservations or not. On his request, time is granted till 11.03.2021 to file additional affidavit with copy to other side.

5 Matter to appear on board on 16.03.2021.

(R.I. CHAGLA, J.)

(K.K. TATED, J.)