



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 30 OF 2024
WITH
INTERIM APPLICATION NO. 9269 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 30 OF 2024**

**Bhausahab Bhujangrao Pawar .. Petitioner
Versus
The State of Maharashtra .. Respondent**

**WITH
INTERIM APPLICATION NO. 9713 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 30 OF 2024**

**Maratha Muslim Arakshan Kruti
Samiti .. Applicant**

In the matter between:

**Bhausahab Bhujangrao Pawar .. Petitioner
Versus
The State of Maharashtra .. Respondent**

**INTERIM APPLICATION NO. 7387 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 30 OF 2024**

Dilip Ashok Desai .. Applicant

In the matter between:

**Bhausahab Bhujangrao Pawar .. Petitioner
Versus
The State of Maharashtra .. Respondent**

**WITH
WRIT PETITION NO. 3468 OF 2024**

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners
Versus
**Secretary, Social Justice and
Special Assistant Department .. Respondent**

**WITH
INTERIM APPLICATION NO. 7375 OF 2024
IN
WRIT PETITION NO. 3468 OF 2024**

**S.E.B.C. Welfare Association
Under the Aegis of Chhatrapati
Shahu Foundation .. Applicant**

In the matter between:

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners
Versus
**Secretary, Social Justice and
Special Assistant Department .. Respondent**

**WITH
INTERIM APPLICATION NO. 6659 OF 2024
IN
WRIT PETITION NO. 3468 OF 2024**

**Maratha Muslim Arakshan
Kruti Samit, Maharashtra .. Applicant**

In the matter between:

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners
Versus
**Secretary, Social Justice and
Special Assistant Department .. Respondent**

**WITH
INTERIM APPLICATION NO. 10046 OF 2024
IN
WRIT PETITION NO. 3468 OF 2024**

Dr. Jaishri Laxmanrao Patil & Ors. .. Applicants
Versus
The Chief Minister & Ors. .. Respondents3

In the matter between:

Dr. Jaishri Laxmanrao Patil & Ors. .. Petitioners
Versus
Secretary, Social Justice and .. Respondent
Special Assistant Department

WITH
WRIT PETITION NO. 3591 OF 2024

Prathamesh Uday Dhople & Ors. .. Petitioners
Versus
The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO. 9711 OF 2024
IN
WRIT PETITION NO. 3591 OF 2024

Maratha Muslim Arakshan Kruti .. Applicant
Samiti

In the matter between:

Prathamesh Uday Dhople & Ors. .. Petitioners
Versus
The State of Maharashtra .. Respondent

WITH
WRIT PETITION NO. 3588 OF 2024

Seema W/o Shrigopal Mandhaniya .. Petitioners
& Anr.
Versus
State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 7371 OF 2024
IN
WRIT PETITION NO. 3588 OF 2024

**S.E.B.C. Welfare Association
Under the Aegis of Chhatrapati
Shahu Foundation** .. Applicant

In the matter between:

**Seema W/o Shrigopal Mandhaniya
& Anr.** .. Petitioners

**Versus
State of Maharashtra & Ors.** .. Respondents

**WITH
INTERIM APPLICATION NO. 7372 OF 2024
IN
WRIT PETITION NO. 3588 OF 2024**

Dilip Ashok Desai .. Applicant

In the matter between:

**Seema W/o Shrigopal Mandhaniya
& Anr.** .. Petitioners

**Versus
State of Maharashtra & Ors.** .. Respondents

**WITH
WRIT PETITION NO. 3586 OF 2024**

Anuradha D/o Sunil Pande & Anr. .. Petitioners

**Versus
State of Maharashtra & Anr.** .. Respondents

**WITH
INTERIM APPLICATION NO. 7377 OF 2024
IN
WRIT PETITION NO. 3586 OF 2024**

**S.E.B.C. Welfare Association
Under the Aegis of Chhatrapati
Shahu Foundation** .. Applicant

In the matter between:

Anuradha D/o Sunil Pande & Anr. .. Petitioners
Versus

State of Maharashtra & Anr. .. Respondents

**WITH
INTERIM APPLICATION NO. 7382 OF 2024
IN
WRIT PETITION NO. 3586 OF 2024**

Dilip Ashok Desai .. Applicant

In the matter between:

Anuradha D/o Sunil Pande & Anr. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 39 OF 2024**

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 7370 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024**

Ankush Sakharam Kadam .. Applicant

In the matter between:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 7369 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024**

Raghunath Rangnath Chitre .. Applicant

In the matter between:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 7368 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024**

**Sanjiv Babanrao Bhor
President of Shivprahar Organisation .. Applicant**

In the matter between:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 7364 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2024**

**Rajendra Namdeo Kondhare,
The President of Akhil Bhartiya
Maratha Mahasangh .. Applicant**

In the matter between:

Sanjeet Rammilan Shukla .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr. Arvind Datar, Senior Advocate a/w Mr. Gopal Sankarnarayanan, Sr. Adv a/w Mr. Pradeep Sancheti, Senior Advocate a/w Ms. Pallavi Bali a/w Mr. Ashish Mishra a/w Mr. Prathamesh Kamath a/w Mr. Yash Oza a/w Ms. Nizzica Pinto a/w Mr. Vishnudutt Mishra for Petitioner in PIL/39/2024

Mr. Gopal Sankaranarayanan, Sr. Adv. a/w Mr. Ashwin Deshpande a/w Mr. Nihar Chitre a/w Mr. Anshu Deshpande a/w Ms. Trisha Chandran for Petitioner in WP/3586/2024.

Mr. Pradeep Sancheti, Sr. Adv. a/w Mr. Ashwin Deshpande a/w Mr. Nihar Chitre and Mr. Anshu Deshpande a/w Mr. Pallavi Bali for Petitioner in WP/3588/2024.

Mr. Anil Anturkar, Sr. Adv. a/w Mr. Atharva Date a/w Mr. Harshvardhan Suryawanshi i/b Gaurav Chaubey for Petitioner in WP/3591/2024.

Mr. Subhash Jha a/w Mr. Hare Krishna Mishra a/w Ms. Komal Thakur a/w Ms. Apeksha Sharma a/w Mr. Neha Belani i/b Mr. Rakesh J. Pandey for Petitioner in PIL /30/2024 and for Applicant in IAST/18226/2024 in PIL/30/2024

Dr. Gunratan Sadavarte a/w Dr. Jaishri Patil a/w Mr. Rajaashok Ghate a/w Mr. Akshay Sartape in person in WP/3468/2024

Dr. Birendra B. Saraf, AG a/w Mr. V.A. Thorat, Sr. Advocate a/w Mr. P. P. Kakade, GP a/w Mr. O. A. Chandurkar, Addl.GP a/w Mrs. G. R. Raghuwanshi, AGP a/w Mr. Jay Sanklecha 'B' Panel Counsel for State.

Mr. Dinyar Madon, Sr. Adv. a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy i/b. Shyamsundar B. Jadhav for Respondent No. 3 in PIL/30/2024 and IA(ST)/18226/2024

Mr. A. Y. Sakhre, Sr. Adv. a/w Mr. Vineet Naik, Senior Advocate a/w Mr. Utsav Trivedi a/w Mr. Arpit Gupta a/w a Mr. Ashish Kumar Yadav i/b. Mr. Vishal Acharya for Respondent No. 4 in PIL/30/2024 and IA(ST) No.18226/2024

Dr. Veerendhra Tulzapurkar, Senior Advocate a/w Mr. Mandar Soman a/w Mr. Sachin R. Pawar for the Respondet No.5 in PIL/30/2024 and for intervenor/ Applicant in IA/7369/2024 in PIL/39/2024 and for Respondent No.8 in WP/3468/2024

Mr. Zal Andhyararjuna, Sr. Adv. a/w Mr. Himanshu Sachdeva a/w Mr. Piyush Tivari i/b. Ekta Dalvi for Respondent No. 6 in PIL/30/2024 and IA(ST)/18226/2024

Mr. Ravi Kadam, Sr. Adv. a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy i/b. Mr. Shyamsundar B. Jadhav for Respondent No. 7 in WP/3468/2024

Mr. Anil Singh Sr. Adv. a/w Mr. Sachin Pawar a/w Mr. Aadarsh Vyas a/w Mr. Mandar Soman for Respondent No.8

Mr. Devdutt Kamat, Sr. Adv. a/w Mr. Harsh Pandey a/w Mr. Himanshu Sachdeva a/w Mr. Piyush Tivari a/w Ms. Kavita Dhanuka i/by Ekta Dalvi for Respondent No. 9 in WP/3468/2024.

Mr. Nikhil Sakhardande, Senior Advocate a/w Mr. Chirag J. Shah a/w Mr. Utsav Trivedi a/w Mr. Ashish Kumar Yadav i/by Mr. Vishal Acharya for Respondent No.10 in WP/3468/2024.

Ms. Ashwini B. Jadhav for Respondent No. 11 in WP/3468/2024.

Ms. Ekta Dalvi a/w Ms. Kavita Dhanuka a/w Mr. Ankush Kadam for Proposed Respondent in IA/7370/2024 in PIL/30/2024.

Ms. Ekta Dalvi a/w Ms. Kavita Dhanuka for Respondent No. 6 in PIL/30/2024 .

Mr. Chirag J. Shah a/w Mr. Utsav Trivedi, Ms. Maniny Roy i/by Mr. Shyamsundar B. Jadhav for Respondent No.4 in PIL/39/2024.

Mr. Janak Dwarkadas Sr. Adv a/w Ms. Namrata Vinod a/w Mr. Himanshu Sachdeva a/w Mr. Piyush Tivari i/b Ms. Ekta Dalvi for Respondent No. 5 in PIL/39/2024.

Mr. Chirag J. Shah a/w Mr. Utsav Trivedi a/w Mr. Ashish Kumar Yadav a/w Mr. Arpit Gupta i/by Mr. Vishal Acharya for Respondent No.7 in PIL/39/2024.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.
G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ**

DATE: 3rd JULY, 2024

P.C.:

PIL 39 OF 2024

1. Heard Mr. Sancheti, learned Senior Advocate representing the Petitioner, learned Advocate General for the State of Maharashtra and other learned Counsel appearing for the interveners in the matter. Mr. Sancheti has made a prayer to permit amendment in prayer clause (b).

2. Prayer clause (b) occurring in the writ petition is as follows:

"b) issue a writ, order or direction in nature of mandamus or any other appropriate writ, order or direction of that nature thereby quashing and striking down the implementation of Justice Shukre Commission Report;"

3. The prayer clause (b) has been sought to be amended in the following manner:

"b) Issue a writ, Order or direction in nature of mandamus or any other appropriate writ, Order or direction of that nature thereby striking down the action of the State to implementation of Justice Shukre Commission Report;"

4. Learned Advocate General does not have any objection if the amendment sought in the prayer clause (b) is allowed. Accordingly, we allow the amendment prayed for.

5. The Petitioner shall incorporate the necessary amendments within two days.

6. However, learned Advocate General has stated that

considering the averments made in the writ petition and also taking into account the nature of prayer clause (b), the Maharashtra State Commission for Backward Classes may be ordered to be impleaded as a party Respondent.

7. Shri Sancheti, though initially resisted the said objection, however, in the interest of hearing of this matter, he stated that he shall implead the Commission as a party Respondent.

8. Accordingly, we direct that the Maharashtra State Commission for Backward Classes be impleaded in this petition as a party Respondent.

9. Issue notice to the Respondents, returnable on 10th July 2024. Hamdast allowed.

10. Learned Advocate General appears for Respondent No.1 and waives service of notice. Learned Advocate General states that the affidavit-in-reply on behalf of Respondent No.1 has been filed and in case it is needed, he shall file an additional affidavit-in-reply by 10th July 2024.

11. The interveners in this petition have been ordered to be impleaded as party Respondents. Learned Counsel for the Petitioner is permitted to carry out necessary amendments in

the array of Respondents.

12. Reverification is dispensed with.

WRIT PETITION NO.3588 OF 2024

13. Having regard to the subject matter of this writ petition, the Petitioner agrees to implead the Maharashtra State Commission for Backward Classes as party Respondent No.3. Necessary amendment shall be incorporated by the learned Counsel for the Petitioner within two days. Reverification is dispensed with.

14. Issue notice to the Respondents, returnable on 10th July 2024. Hamdast permitted.

15. Learned Advocate General has put-in appearance on behalf of Respondent Nos.1 and 2 and has waived service of notice. Learned Advocate General has stated that he has filed a common affidavit-in-reply in the entire bunch of the petitions which is to be read in all the matters. He states that in case any additional affidavit-in-reply is to be filed, the same shall be filed by 10th July 2024.

IA NO.10046 OF 2024 in WP NO.3468 of 2024

16. This Interim Application has been filed with a prayer to implead the Maharashtra State Commission for Backward Classes as a party Respondent.

17. Having regard to the subject matter of the writ petition, we allow the prayer. The Petitioner is, thus, directed to implead the Maharashtra State Commission for Backward Classes as a party Respondent, within two days. Reverification is dispensed with.

18. The Interim Application stands disposed of.

WRIT PETITION NO.3468 of 2024

19. When we drew the attention of Petitioner No.2, who appears in person to the prayer clauses (j) and (k) of the writ petition, the Petitioner states that he may be permitted to delete the said prayer clauses with liberty to file a fresh petition for the said prayers.

20. We, accordingly, permit the Petitioner to delete prayer clauses (j) and (k) with liberty to file a fresh petition with the said prayers. All contentions in regard to these prayers are kept open.

21. The prayer to delete prayer clauses (j) and (k) having been granted, it necessitates deletion of Respondent Nos.2 – Shri Sunil B. Shukre (Retd. Justice), Respondent No.3 – Shri Omprakash Jadhav, Respondent No.4 – Justice Shri Dilip Bhosale (Retd.), Respondent No.5 – Justice Shri Maroti G. Gaikwad (Retd.) and Respondent No.6 – Shri Sandip Shinde (Retd. Judge).

22. Accordingly, the Petitioner shall delete these Respondents from array of the Respondents. Necessary amendments shall be incorporated by the Petitioner within two days. Reverification is dispensed with.

23. Issue notice to the Respondents, returnable on 10th July 2024. Hamdast allowed.

24. Learned Advocate General appears for Respondent No.2 and waives service of notice.

25. Respondent Nos.7 to 14 who have been ordered to be arrayed as party Respondents on their application to implead them as interveners, are also represented by their Counsel and accordingly, steps for effecting service upon them need not be taken by the Petitioner.

PIL 30 OF 2024

26. Issue notice to the Respondents, returnable on 10th July 2024. Hamdast allowed.

27. Learned Advocate General appears for Respondent Nos.1 and 2 and waives service of notice.

28. Steps need not be taken to serve Respondent Nos.3 to 6 as they have been impleaded as party Respondents on their prayer for intervening in the matter who are also represented through their respective Counsel.

WRIT PETITION NO.3591 OF 2024

29. Mr. Anturkar, learned Senior Advocate representing the Petitioner has agreed to implead the Maharashtra State Commission for Backward Classes as a party Respondent.

30. Let necessary amendment be incorporated within two days. Reverification is dispensed with.

31. Issue notice to the Respondents, returnable on 10th July 2024. Hamdast granted.

32. Learned Advocate General has put-in appearance on behalf of Respondent No.1 and waives service of notice.

WRIT PETITION NO.3586 OF 2024

33. Mr. Ashwin Deshpande, learned Counsel representing the Petitioner agrees to implead the Maharashtra State Commission for Backward Classes as a party Respondent.

34. Let necessary amendment be incorporated by the learned Counsel for the Petitioner within two days. Reverification is dispensed with.

35. Issue notice to the Respondents, returnable on 10th July 2024. Hamdast granted.

36. Learned Advocate General has put-in appearance on behalf of Respondent No.1 and waives service of notice.

37. Learned Advocate General has filed a common affidavit-in-reply on behalf of the State of Maharashtra which is to be read in all the writ petitions. Rejoinder to the said affidavit-in-reply, if any, shall be filed by the Petitioners of the respective writ petitions by 10th July 2024.

38. In all these matters where interveners have been permitted to be impleaded as party Respondents, affidavit/s-in-reply on behalf of these interveners shall also be filed by 10th July 2024. We also make it clear that since these Respondents who have been arrayed in the respective matters

on their own applications seeking intervention are already represented through their learned Counsel, steps for service upon these Respondents may not be taken by the Petitioners and service upon these Respondents shall be deemed to be sufficient.

39. If the State intends to file any additional affidavit, the same shall also be filed by 10th July 2024.

40. The time frame provided under this order for filing pleadings on behalf of the respective parties shall be strictly followed and time shall not be extended in any circumstance.

41. Stand over to **10th July, 2024 at 3.30 p.m.** for **“Directions”**

(CHIEF JUSTICE)

(G. S. KULKARNI, J)

(FIRDOSH P. POONIWALLA, J.)