



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

**PUBLIC INTEREST LITIGATION NO. 30 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 10509 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 30 OF 2024**

Bhausahab Bhujangrao Pawar .. Petitioner

Versus

The State of Maharashtra .. Respondent

**WITH
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
WRIT PETITION NO. 3591 OF 2024

Prathamesh Uday Dhople & Ors. .. Petitioners

Versus

The State of Maharashtra .. Respondent

WITH
WRIT PETITION NO. 3588 OF 2024

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

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. 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
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
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 Sr. Adv. (Via VC) a/w Mr. Gopal Sankarnarayanan Sr. Adv. (Via VC) a/w Mr. Pradeep Sancheti Sr. Adv. a/w Ms. Pallavi Bali Mr. Ashish Mishra a/w Mr. Prathamesh Kamath a/w Mr. Yash Oza a/w Nizzica Pinto a/w Mr. Vishnudatt Mishra for Petitioner in PIL/39/2024.

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

Dr. Gunratan Sadavarte Party-in-Person and Dr. Jaishri Patil, Party-in-Person a/w Mr. Rajaashok B. Ghate and Mr. Akshay Sartape for Petitioner in WP/3468/2024.

Dr. Birendra B. Saraf, AG 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 for State.

Mr. Arvind Datar, Sr. Adv. (VC) a/w Mr. Pradeep Sancheti, Sr. Adv. a/w Mr. Ashwin Deshpande a/w Mr. Nihar Chitre and Mr. Anshu Deshpande and Mr. Pallavi Balli for Petitioner in WP/3588/2024.

Mr. Anil Anturkar Sr. Adv. a/w Mr. Atharva Date a/w Ms. Kashish Chellani a/w Ms. Kavita Prakash i/b Gaurav Chaubey for Petitioner in WP/3591/2024.

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. Anil Singh Sr. Adv. a/w Mr. Aadarsh Vyas a/w Ms. Ruchita Verma a/w Amjith M. Anandhan i/b Mr. Sachin Pawar for Applicant in IA/7369/2024 in PIL/39/2024 and for Respondent No. 8 in WP/3468/2024.

Mr. Anil Singh Sr. Adv. a/w Mr. A. Y. Sakhre, Sr. Adv. a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy a/w MR. Adarsh Vyas i/b Mr. Shyamsundar B. Jadhav for Intervener in IA/7364/2024 in PIL/39/2024.

Shri. V. A. Thorat Sr. Adv. a/w Mr. Vaibhav Sugdare a/w Mr. Akshay Shinde a/w Ms. Prachi Tatake and Mr. Abhijeet Patil for State in WP/3468/2024.

Mr. Vineet Naik Sr. Adv. a/w with Mr. Utsav Trivedi with Mr. Vishal Acharya with Mr. Piyush Tiwari for Intervenor in IA/7368/2024 In PIL/39/2024 and Respondent No. 11 in WP/3468/2024.

Ms. Kavita Dhanuka a/w Ms. Ekta Dalvi for Proposed Respondent in PIL/30/2024.

Mr. Suryajeet P. Chavan a/w Ms. Vishakha Shelar for Applicant in IA/7387/2024 in PIL/30/2024 and IA/7372/2024 In WP/3588/2024 and IA/7382/2024 In WP/3586/2024.

Mr. Dinyar Madon, Sr. Adv. a/w Mr. Pradeep Thorat a/w Mr. Chirag J. Shah a/w Ms. Maniny Roy i/b. Shyamsundar B. Jadhav for Respondent No. 3 in PIL/30/2024.

Mr. A. Y. Sakhre, Sr. Adv. a/w Mr. Vineet Naik, Sr. Adv. a/w Mr. Utsav Trivedi a/s Mr. Ashish Kumar Yadav i/b. Vishal Acharya for Respondent No. 4 in PIL/30/2024.

Mr. Zal Andhyarujina, Sr. Adv. a/w Mr. Himanshu Sachdeva a/w Mr. Piyush Tivari i/b. Ekta Dalvi for Respondent No. 6 in PIL/30/2024

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

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

Mr. Neeraj Kishan Kaul, Sr. Adv. (Via VC) a/w Mr. Nikhil Sakhardande, Sr. Adv. 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.

Mr. Harish N. Salve, Sr. Adv. (Via VC) a/w 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. Harish N. Salve, Sr. Adv. (Via VC) a/w Mr. Chirag J. Shah a/w Mr. Utsav Trivedi, Mr. Ashish Kumar Yadav 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: 16th APRIL, 2024

P.C.:

- 1.** In this batch of PIL petitions and civil writ petitions, challenge, primarily, has been made to the constitutional validity of the Maharashtra State Reservation for Socially and Educationally Backward Classes Act, 2024 (Maharashtra Act XVI of 2024).
- 2.** In a batch of civil writ petitions, a Division Bench of this Court (Coram: G. S. Kulkarni, J. and Firdosh P. Pooniwalla, J.) passed an interim order on 8th March 2024 providing therein that if any applications are received under the advertisement dated 9th February 2024 [NEET (UG)], 2024 or under any other similar advertisement seeking benefit of the impugned Act, the same shall be subject to further orders which may be passed by the Court. The Court also provided that the candidates, who may apply, shall accordingly be informed of the orders passed by the Court.
- 3.** Subsequently, all the PIL petitions and civil writ petitions were tagged together and heard on 12th March 2024 by another Division Bench headed by one of us (Devendra Kumar Upadhyaya, CJ) which noticed the limited interim order granted on 8th March 2024 and ordered the matter to be listed on 10th April 2024. The matter was, however, ordered to be placed before this Bench under an order passed by the Chief Justice on the administrative side.
- 4.** On 10th April 2024, matter was argued for grant of further interim relief on behalf of the petitioners and learned senior advocate Mr. Gopal Sankarnarayan appearing for one of the petitioners had completed his arguments. The matter was

again heard on 15th April 2024 when Mr. Arvind Datar, learned senior advocate completed his arguments on behalf of the petitioners in Writ Petition No. 3588 of 2024.

5. Today, Mr. Sadavarte, the petitioner in-person has also completed his arguments. Mr. Pradeep Sancheti, learned senior advocate has made his submissions on behalf of some of the petitioners. The arguments on behalf of some of the petitioners are yet to be made by some other learned counsel. Thereafter, the arguments are to be made by learned Advocate General on behalf of the State-respondents and by certain other learned counsel representing the interveners in the matter.

6. Stand over to **13th June 2024 at 2.30 p.m.** for further arguments.

7. In the meantime, having regard to the interim order passed earlier, we provide that if any applications are made pursuant to the advertisement dated 9th February 2024 for admission to undergraduate medicine courses on the basis of [NEET (UG)], 2024 or pursuant to any other such advertisement for making admission to any other educational courses where applicants seek benefit of the impugned enactment, participation of such candidates/applicants shall be subject to further orders which may be passed in these petitions.

8. We also provide that in case any advertisement has been made after promulgation of the impugned enactment for making any recruitment/appointment in public employment in connection with the affairs of the State, other State

instrumentalities and State public undertakings/enterprises, the same shall also be subject to further orders which may be passed in these petitions

9. It is also directed that all such candidates who may participate in any process of selection either for admission to academic/educational courses or for appointment/recruitment in public employment shall be informed of this order by the authority(ies) concerned forthwith.

10. We also direct that the State-respondents and the interveners shall file their respective affidavits in reply within three weeks after serving a copy thereof upon the learned counsel for the petitioners; rejoinder thereto, if any, may be filed by the petitioners within two weeks thereafter.

(CHIEF JUSTICE)

(G. S. KULKARNI, J)

(FIRDOSH P. POONIWALLA, J.)