



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5944 OF 2023

Pallavi Rajendra Jangale & Ors.

..Petitioners

Vs.

The State of Maharashtra Thr.

Secretary & Ors.

..Respondents

Mr. A. S. Rao, for the Petitioner.

Ms. P. N. Diwan, AGP for State/Respondent No.1.

Ms. Sneha Singh, for Respondent No.3/PMC.

CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ.

DATE : OCTOBER 26, 2023.

P.C.:

1. Mr. Rao, learned counsel for the petitioners informs that this petition is intended to be perused by petitioner Nos.1 to 4, hence, he seeks permission to delete petitioner Nos.5 to 10. Accordingly petitioner Nos. 5 to 10 and permitted to be deleted from the cause title. The adjudication of the petition is confined to only petitioner Nos.1 to 4. Amendment be carried out by tomorrow i.e. 27 October 2023 and amended copy of the same be served on all the respondents.

2. The issue as canvased by the petitioners in the present proceedings, is of a discrimination to the petitioners, who are women candidates who are participating in the process of selection to the post of Fire Extinguisher

/ Fireman (Women) being undertaken by Respondent No.3 / Pune Municipal Corporation.

3. The primary case as urged on behalf of the petitioners is that the petitioners are being discriminated on the ground that they do not comply with the “height” norms which are sought to be implemented by the Pune Municipal Corporation, namely, of the women candidates to be eligible for participating in the selection process need to have a height of 162 cms. It is petitioners contention that Respondent No.2 / Maharashtra Fire Brigade Service Administration, had notified a minimum height of 157 cms. for the women candidates to be eligible to participate in the selection for the said post. It is submitted that the Pune Corporation along with three other Corporations, namely, Nagpur Municipal Corporation, Mumbai Municipal Corporation and Thane Municipal Corporation are the only Municipal Corporations which are now required to adhere to the norms of 162 cms. height for the women candidates to be eligible. It is contended that in respect of several other Corporations which are similarly situated, the norms is of 157 cms is being followed for selection to such posts.

4. In our opinion, prima facie case has been made out by the petitioners of an apparent discrimination. There cannot be different benchmarks for different corporations. Women candidates cannot suffer due to any arbitrary policy or any arbitrary approval of any such norms by

the State Government, which discriminates between women candidates who are similarly situated.

5. In the above circumstances, by an interim order, we permit the petitioners to participate in the selection procedure being undertaken by respondent No.3, and they should not be disqualified on the ground of they not having the minimum height of 162 cms. This shall however be subject to final orders which would be passed on the present proceedings.

6. We are also informed that there are some more petitions which are filed on the said issues in Writ Petition No. 12715 of 2023, which be also tagged along with the present petition.

7. Stand over to **9 November 2023 (HOB)**.

8. In the meantime, the respondents are directed to file their respective reply affidavits.

9. Parties are put to notice that on the adjourned date of hearing an endeavour shall be made to pass final orders on the present proceedings.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]