



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4432 OF 2011**

Shri Sarjerao Ganapati Patil, Age 40 Yrs.,
Occ. Agri., R/o. Shirale Warun, Tal.
Shahuwadi, Dist. Kolhapur

...Petitioner

V/s.

1. Maharashtra State Electricity
Distribution Co. Ltd.,
having office address at Estrella
Batteries Expn., Bldg., Ground
Floor, Plot No.1, Dharavi Road,
Matunga, Mumbai - 400 019.

2. Shri Mohan Shivaji Divate,
Public Relation Officer,
Maharashtra State Electricity
Distribution Co. Ltd.,
Nanded Zone, Vidyut Bhavan,
Shahir Anna Bhau Sathe Chowk,
Hingili Gate, Nanded - 431 601.

3. State of Maharashtra,
Through Ministry of Energy,
Mantralaya, Mumbai

...Respondents

Mr. Kishor Patil i/b Mr. Prasad P. Kulkarni, for the Petitioner
Mr. Prashant Chavan, Senior Advocate a/w Mr. Anuj Jaiswal, Ms. R.
Kadam, Ms. Reshmarani Nathani, Mr. Rajvardhan K. Sasavade i/b Little
and Co. for Respondent No. 2

**CORAM : SHARMILA U. DESHMUKH &
ABHAY J. MANTRI, JJ.**

DATED : OCTOBER 13, 2026

ORAL JUDGMENT:

1. By an order dated 28.11.2013, Rule was issued by this Court.
However, no interim relief was granted.

2. By the present petition, the petitioner seeks issuance of writ of

certiorari for quashing and setting aside the impugned order dated 1st June 2011 passed by the Respondent No. 1 and to cancel the appointment of Respondent No. 2 on the post of Public Relation Officer. By the impugned order dated 1st June 2011, the Respondent No. 1 informed the petitioner that he is not eligible for appointment to the post of Public Relation Officer, being age barred.

3. The facts as pleaded in the petition is that the petitioner belongs to Kunbi caste, which is notified as Other Backward Class (For short 'OBC') category and was born on 30th December 1970. An advertisement was published by the Respondent No. 1 for various posts on the Respondent No. 1 establishment, which included the post of a Public Relation Officer, and the age limit as on 4th September 2010 was 35 years for the said post, and in case of candidates belonging to backward classes, the upper age limit is relaxable by 5 years. The petition pleads that the petitioner applied for the post of Public Relation Officer and the examination slip issued by Respondent No. 1 also shows that the petitioner had applied from OBC category. The petitioner successfully passed the written examination and was called for interview on 11th January 2011 and was shown as a selected candidate on the post of Public Relation Officer on the website of Respondent No. 1 on 28th November 2011. The name of Respondent No. 2 was shown as a wait-listed candidate from open category. As no communication was received from

Respondent No. 1, the petitioner made representation, pursuant to which, by the impugned order, the Respondent No. 1 informed the petitioner that the selection of the petitioner is cancelled, being age barred. Hence, the present petition came to be filed.

4. Mr. Patil, learned counsel appearing for the petitioner would submit that there is no dispute about the fact that the petitioner belongs to OBC caste and his date of birth was 30th December 1970. Pointing out to the advertisement at page 14 of the petition, he would submit that the post of Public Relation Officer was advertised and the age criteria as on 4th September 2010 for post code 10, i.e., Public Relation Officer was 35 years, and that in respect of candidates belonging to backward class, the upper age limit was relaxable by 5 years. He submits that as on 4th September 2010, the petitioner was aged 39 years and 9 months. He would further draw attention of this Court to the examination slip which was issued by Respondent No. 1, reflecting the petitioner's category as OBC category. He submits that the petitioner successfully passed the examination and was called for interview and his name was featured in the list of selected candidates for post code 10. He submits that despite the selection, the petitioner was not issued the appointment letter, pursuant to which he filed various representation and by the impugned order, the petitioner has been informed by the Respondent No. 1 that he is age barred and hence he does not satisfy the criteria for being appointed as Public

Relation Officer. He submits that there is no dispute about the fact that the petitioner belongs to OBC caste and had applied as such, and therefore the age limit which would apply would be 40 years by relaxing 5 years, being a candidate belonging to backward class. He submits that at no point of time there was any dispute about the petitioner's caste and therefore the age limit of 35 years could not be applied.

5. Mr. Chavan, learned Senior Advocate appearing for the Respondent No. 1 would point out that the advertisement makes it clear that there was no reserved post for OBC category and therefore the petitioner was selected against the open category. He would further point out the Condition No. 3 of the advertisement, which provides for issuance of call letters for written test and that no detailed scrutiny of application is carried out at the time of call letters for written test. He would further point out Condition No. 8 of the advertisement, which provides that the reserved category candidates who compete with open category candidate will be treated as open category candidate for the purpose of recruitment. He would further point out General Condition N, that the backward class candidates who apply against open category will not be permitted to change the option once exercised at any stage later on. He submits that as there was no post which was reserved for OBC candidate, the petitioner competed in the open category and therefore the age limit of 35

years applied and not 40 years, which was accordingly communicated by the order of 1st June 2011.

6. We have considered the submissions and perused the record. The entire case of the petitioner is premised on the ground that the petitioner belongs to OBC category and therefore the age limit which would be applicable would be 40 years, as relaxed in case of candidates belonging to backward classes. There is no dispute about the caste claim of the petitioner or that his date of birth was 30th December 1970. What is pertinent to note that the advertisement for the post of Public Relation Officer demonstrates that there was no post reserved for OBC candidate. There was one post reserved for SC candidate and one post reserved for NT(B) and two posts for the open category candidate. Clause 3 of the Condition which was set out in the advertisement reads as under:

"All candidates who pay the requisite Application Fees will be issued call letters for written test. No detailed scrutiny of application will be carried out at the time of giving call letters for written test. The call letters will be sent by post at the correspondence address given by the candidate in their application form. Those candidates who do not receive call letter may note down the Roll No. & address of the venue allotted from Company's website (www.mahadiscom.in) and approach Centre Co-ordinator one day in advance to receive duplicate call letter. They are required to comply with the instructions given in the website in this regard."

7. The petitioner cannot claim any equity on the ground that he was issued call letter for the written examination in which the petitioner's category was noted as OBC. The condition makes it clear that no detailed scrutiny of application is carried out at the time of

issuance of call letters for written test and therefore, based on the application of the petitioner, the examination slip was issued. The list of selected candidates which is at page 25 of the petition would indicate that the petitioner was selected in the open category, which is in consonance with the advertisement which has been issued and Condition No. 8 which provided that the reserved category candidate who compete with open category candidates will be treated as open category candidates for the purpose of recruitment/selection process. The list which was published by Respondent No. 1 treated the petitioner as an open category candidate, which was to the knowledge of the petitioner. Despite the list of selected candidates, there was no representation which was filed by the petitioner claiming any right in the reserved category, being conscious of the fact that there was no post which was reserved for OBC and the conditions of the advertisement indicated that the petitioner who belonged to OBC category will be treated as open category candidate. The only contentions which were raised in the representation was based on the aspect of having been selected for the post of Public Relation Officer and not being issued an appointment letter.

8. By the impugned communication of 1st June 2011, the Respondent No. 1 has informed the petitioner that after carrying out the detailed scrutiny of the certificate, it has been found that the

petitioner is not fulfilling the upper age limit criteria. The advertisement prescribes the age limit as on 4th September 2010 for the post of Public Relation Officer as 35 years, which is the upper age limit in respect of candidates belonging to open category. The relaxation of 5 years is only for the candidates belonging to backward class and in the present case, considering that there was no reservation for OBC candidate and the petitioner competed with the open category candidate and was treated as such, the upper age limit which would apply to the case of the petitioner would be 35 years. The impugned order was therefore in consonance with the advertisement which was issued and the qualifying criteria which was prescribed in the said advertisement.

9. Apart from the fact that the petitioner does not have any claim on merits, it needs to be noted that the Respondent No. 2, who was appointed on the said post, has been working since the year 2011 and we find no reason to disturb the appointment of Respondent No. 2, who qualified for appointment to the said post as per the advertisement which has been issued.

10. In light of the above discussion, the Petition fails and stands dismissed. Rule stands discharged.

(ABHAY J. MANTRI, J.)

(SHARMILA U. DESHMUKH, J.)