

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7307 OF 2015

Maharashtra Rajya Nyayalayin
Karmachari Mahasangh .. Petitioner

Versus

The State of Maharashtra and Another .. Respondents

Shri Pravin N. Kalani, Advocate for the Petitioner.
Shri G. K. Thigle, Addl. G. P. for Respondent / State

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 21ST JULY, 2015.

PER COURT :

1. Mr. Kalani, the learned counsel for the petitioner states that, Clause 4.4(1) of the Advertisement No. 71 of 2015 dated 04th July, 2015, issued by the Respondent No. 2 for the post of Assistant Government Pleader / A. P. P., Government Prosecution Directorate Group 'A' is erroneous, unreasonable and deserves to be quashed and set aside. The learned counsel submits that, the employees of the petitioner organization would not get an opportunity to apply because of such a condition. Under the Maharashtra Civil Services (General Conditions of Service) Rules, 1981, more particularly, Rule 4 power of relaxation is given to the Government. The said clause would cause undue hardship and as such the Government is

empowered to relax the same. The learned counsel submits that, the said qualification is relaxed in case of appointments of J. M. F. C.'s which is a better post.

2. The Additional Government Pleader submits that, considering the functions that are to be performed by the A. G. P. / A. P. P. the said qualification and experience is laid down.

3. We had asked Mr. Kalani, the learned counsel as to whether there is any Rule which prescribes particular experience and qualification for the appointments of A. G. Ps / A. P. Ps The learned counsel states that, there is no such Rule with regard to minimum experience to be possessed by the candidate for the post of A. G. Ps / A. P. Ps

4. It is for the Government to appoint A. G. Ps / A. P. Ps They have to present their case before the Court. Considering the functions they have to perform the said condition of experience as an advocate for 5 years does not appear to be unreasonable. Considering the above, writ petition stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]