

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4110 OF 2015

Smt.Durga Suresh Talmale (nee Durga Purushottam Pandhare)

-vs-

The State of Maharashtra, thr its Secretary, Home Deptt. and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Vishal Anand, counsel for the petitioner.
Mr. S.M.Bhagde, AGP for the respondent Nos.1, 2 and 4.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 16.10.2015.

By this petition, the petitioner seeks a direction to the Maharashtra Public Service Commission to accept the petitioner's application seeking appointment to the post of Assistant Public Prosecutor.

According to the petitioner, the upper age limit for appointment to the post of Assistant Public Prosecutor as per the advertisement issued by the Maharashtra Public Service Commission is 38 years for the OBC category candidates, with which we are concerned, as the petitioner belongs to the other backward classes. It is the case of the petitioner that the petitioner is age barred only by seven months and hence, a direction be issued to the respondent-Commission to consider the application of the petitioner for relaxation of the age, specially when the petitioner is working as an Assistant Public Prosecutor, on honorarium.

The relief sought by the petitioner cannot be granted. It would not be possible for this Court, in exercise of the writ jurisdiction to direct the Maharashtra Public Service Commission to

accept the application of the petitioner, though the petitioner is age barred even in the circumstances of the case. Since the petitioner was age barred, the petitioner rightly could not have submitted the application on line. We find no reason to grant the relief in favour of the petitioner against the recruitment rules.

Since the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE