

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

WRIT PETITION NO. 5747 OF 2016

**SUNIL GOPINATHRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr.Amit Mukhedkar, Advocate for petitioner

Mr.A.V.Deshmukh, AGP for respondent no.1

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : JUNE 14, 2016

PER COURT :

Heard the learned Counsel appearing for the petitioner and the learned AGP for respondent - State.

2] By way of filing this petition, the petitioner seeks implementation of the Government Resolution dated 25.04.2016 issued by the General Administration Department, Government of Maharashtra with retrospective effect.

3] It is submitted by the learned Counsel appearing for the petitioner that so far as the Maharashtra State Power Generation Company Ltd. (for short "the Company") is concerned, the reservation for the candidates belonging to the backward categories i.e. S.C., S.T., D.T./N.T., N.T., S.B.C. and O.B.C. would be governed as per the Rules and Regulations issued by the Government of Maharashtra from time to time. The learned Counsel for the petitioner tenders across the Bar a copy of the Advertisement No.06(Aug)/2014 issued by the Company. The same is taken on record. Relying on the conditions which are mentioned in the advertisement of the Company, the learned Counsel submits that in the present case, the same conditions of reservation for backward classes can be read and the effect should be given to the petitioner of the Government Resolution dated 25.04.2016 relaxing the age limit by five years.

4] The learned AGP for State submits that the aforementioned Government Resolution would be applicable with prospective effect. He, therefore, submits that the Writ Petition may be rejected.

5] We have given careful consideration to the submissions of the learned Counsel appearing for the petitioner and the learned AGP for respondent no.1 – State.

6] The reliance placed by the learned Counsel for the petitioner on the aforementioned Advertisement issued by the Company, would not be helpful in the facts of the present case in as much as the petitioner has applied in pursuance of the Advertisement published by respondent nos.1 and 2, which is a different department. Whenever a Government Resolution is issued, it has to be made

applicable with the prospective effect unless it is specifically mentioned in the Government Resolution, that the said Resolution is made applicable with retrospective effect indicating the date. In the present case, there is no mention in the Government Resolution that it would apply with retrospective effect. On the contrary, in Clause 4 of the said Government Resolution, it has been specifically mentioned that the said Resolution would apply with prospective effect. Clause 4 of the said Government Resolution reads thus :-

"४. एखाद्या पदाच्या भरतीच्या अनुषंगाने महाराष्ट्र लोकसेवा आयोगाने संबंधित निवडसमितीकडून जाहिरात दिली असेल व जाहिरातीनुसार अर्ज करण्याची मुदत या निर्णयाच्या दिनांकापुर्वी संपली असेल, अशा प्रकरणी सदर वाढीव वयोमर्यादा लागू होणार नाही. सबब या पुढील भरती प्रक्रियेसाठी सदर वाढीव मर्यादा लागू राहिल."

7] In that view of the matter, for the aforesaid reasons, we are not inclined to entertain this petition. The Writ Petition stands rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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