

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8811 OF 2013

Sou Ashwini Amarnath Pawar	}	Petitioner
versus		
The Principal Secretary, Public	}	
Health Department and Ors.	}	Respondents

Mr. Dinesh P. Adsule for the petitioner.

Ms. Neha Bhide - 'B' Panel Counsel for
respondent nos. 1, 2, 3 and 5.

Ms. Ashwini Selukar i/b. Ms. Anamika
Malhotra for respondent no. 4.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- FEBRUARY 24, 2017

P.C. :-

1. Heard Mr. Adsule appearing for the petitioner. The petitioner may have worked on contract basis earlier, but when an advertisement was inserted for regular appointment, the petitioner was found to be beyond the stipulated age limit. The age bar prevented the petitioner from seeking regular employment. Even when the tenure as temporary employee was considered and the concession or relaxation was granted, what one has to find from the record of this petition is that the petitioner's case could have been considered provided she was 46

years of age. Admittedly, on the date of the advertisement and her application, she was of 46 years and 6 months. She had completed 46 years and 6 months of her life and that is beyond the stipulated age limit. Hence, we accept the stand of the respondents placed on affidavit. We also accept the stand that in the event any further opportunity is available, the petitioner's case can be considered at the same.

2. Once such a statement is made by the respondents, then, all the more we do not find their action to be arbitrary or malafide warranting interference in writ jurisdiction. The writ petition is dismissed accordingly. No costs.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)