

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

WRIT PETITION NO. 311 OF 2015

Jagannath Bhaurao Ghugarkar
and others

.. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Shivaji T. Shelke, Advocate for Petitioners.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 25TH OCTOBER, 2018.

FINAL ORDER :

. Mr. Shelke, the learned advocate for petitioners on instructions submits that, he is not pressing the petition to the extent of petitioner Nos. 2 and 3.

2. The learned counsel for petitioners submits that, pursuant to the interim orders dated 09th January, 2015, the petitioner No. 1 appeared for the examination and subsequently he was selected and appointed as a Managing Director and his appointment is also approved. Subsequently, he has been granted extension upto 01st May, 2022.

3. Mr. Lokhande, the learned Assistant Government Pleader submits that, the petitioner No. 1 was over age and did not possess the experience of Head of Department.

4. It would appear that, with regard to the restriction of age, the Division Bench of this Court at its Principal seat at Bombay in Writ Petition No. 8192 of 2004 with other connected writ petitions under order dated 26th March, 2015 has held that, the restriction of age was discriminatory.

5. It was also found that, those who had worked as Head of Department also would be entitled to be considered. The Division Bench further observed that, the respondent/State may prepare rules for empanelment of Managing Director hereinafter.

6. Rules would be applicable subsequent and not to the appointments made.

7. The petitioner is already appointed. His appointment is approved and further he has been granted extension upto 01st May, 2022.

8. In the light of that, the writ petition to the extent of petitioner No. 1 is allowed. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 18