

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

WRIT PETITION NO.9179 OF 2019  
WITH  
WRIT PETITION NO.9225 OF 2019

SUSHIL BAHRAT UPALKAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Shri. Vikram S. Undre  
AGP for Respondent – State : Shri V. M. Kagane  
Advocate for Respondent No. 2 : Shri A. S. Bajaj

...

**CORAM : S.V. GANGAPURWALA &  
K.K. SONAWANE, JJ.**

**DATE : 22<sup>nd</sup> AUGUST, 2019.**

**PER COURT :**

1. The petitioners are challenging the Clause 3.1 and Clause 4.5 of the advertisement inviting applications for various posts. Mr. Undre, learned counsel for the petitioners submitted that petitioners are working with respondent for various length of time i.e. 3 to 20 years. According to learned counsel, the upper age limit provided is erroneous. The petitioners, as are working with the respondent for long period, the upper age limit should be relaxed for them. As per Clause 4.5 of the advertisement, the upper age limited is not provided. The employee of Maharashtra State Electricity Distribution Company Limited, (M.S.E.D.C.L.) can apply irrespective of his age. The same benefit needs

to be given to the petitioners who are working with M.S.E.D.C.L. According to the learned counsel, in case of transmission division, the relaxation is provided, so also 10% reservation for the employees similar to petitioners is provided.

2. According to the learned counsel, Clause 3.1 is also erroneous as the respondents are demanding apprenticeship to be completed from respondent company only, whereas petitioners have completed apprenticeship from other company.

3. Mr. Bajaj, learned counsel for the respondent submits that the respondent company has distinct and separate identity. The transmission Company has its own policy and the respondent Company has a distinct policy. The respondent could not verify about the status of the petitioner vis-a-vis the respondent Company. In view of that, Clause 4.5 is not applicable to the applicant. Clause 3.1 is also in accordance with the respondent Company.

4. It has been contended by the respondent in affidavit that prior to the impugned advertisement, the advertisement were issued in the year 2009, 2010, 2014 and 2016. The petitioners could have applied pursuant to the said advertisement if they were eligible at the relevant time. There appears to be a dispute as to whether the

petitioners were employees of the respondent Company. In the light of that, the benefit of age relaxation as claimed cannot be given. All these petitioners have crossed minimum age, as is provided in the advertisement.

5. In the light of the above, the writ petition stands disposed of. No costs.

**(K. K. SONAWANE, J.)**

**(S. V. GANGAPURWALA, J.)**

SVH