

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPLATE JURISDICTION

WRIT PETITION NO. 8958 OF 2017

Mrs. Hemlata Vasant Kulkarni ...Petitioner

Versus

The Chief Executive Officer, Zilla Parishad
Solapur & anr. ...Respondents

WITH

WRIT PETITION NO. 1585 OF 2019

Padmini Virupaksha Umbardand & ors. ...Petitioners

Versus

Chief Executive Officer, Zilla Parishad
Solapur & anr. ...Respondents

Mr. Siddhesh Pilankar, a/w Mr. Uday P. Warunjikar, for the
Petitioner in WP No.8958/2017.

Mr. S. T. Bhosale, for the Petitioner in WP No.1585/2019.

Ms. Ujawala V. Karpe, I/b Mr. V. S. Deokar, for Respondent
no.1 in both petitions.

Ms. K. N. Solunke, AGP for Respondent no.2/State.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ**

DATED: 9th JULY, 2019

PC:-

1. The Petitioners are praying for issuance of direction to the Respondents to accommodate them in employment by granting relaxation in respect of condition of age. The Petitioners were employed as primary teacher in the year 1984-1985. Since they were found to be ineligible on account of crossing of upper age limit, they have been removed from service by virtue of the orders issued in the year 1987. It is the contention of the Petitioners that the claims of some of

the employees, who were identically placed, were considered and direction has been issued to grant relaxation of upper age limit and to accommodate the similarly situated employees in employment. The Petitioners claim that since they are similarly placed they shall also be extended same treatment and, direction needs to be issued to Respondent no.1 to accommodate them in employment by granting relaxation in respect of the condition prescribing the upper age limit.

2. On perusal of the record, it is noticed that the claims put up by similarly situated employees have been considered in the year 1996 and directions have been issued to accommodate them in employment. So far as the Petitioners before this Court are concerned, they have already crossed the age of superannuation and, at this stage, no relief as claimed can be granted to them.

3. For the reasons that the Petitioners have already crossed the age of superannuation and, as such, cannot be considered to be similarly placed as in case of employees who have been granted relief in the year 1996, the direction as requested need not be issued. The petitions being devoid of substance stand rejected.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]