

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

992 WRIT PETITION NO. 2088 OF 2020

**MANOHAR MADHAVRAO MANERE AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Bhosale Mahesh S.

AGP for Respondents : Mr. S. B. Narwade

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 31st JANUARY, 2020

PER COURT:

1. The learned counsel for the petitioners submits that the petitioners belong to reserved category. Pursuant to the advertisement issued by respondent no. 2, the petitioners applied for the post of Community Health Officer. As per the advertisement, the maximum age limit prescribed for reserved category candidate is 43 years. The advertisement specifically says that five years relaxation in age is provided for in service candidates. The petitioners are in service with BVG India Ltd. The BVG India Ltd. works for respondent no.2. In view of that, the petitioners

are entitled for the benefit of age relaxation. The learned counsel further submits that in the selection process conducted at Hingoli, the application of the petitioner was accepted and at that time the petitioners was 46 years of age. It is only pursuant to the present advertisement, the petitioners are held to be age barred.

2. The learned Assistant Government Pleader submits that the petitioners are in employment of a private company. The same cannot be considered.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The advertisement provides for the age criteria. The age criteria for a open category is 38 years and for reserved category is 43 years. The age criteria is relaxed by five years for existing National Health Mission employees.

5. The petitioners are employees of one BVG India Ltd., a Bharat Vikas Group Company. He is employed as a Retainer / Consultant.

6. Respondent no. 2 has awarded a contract to BVG India Ltd. company. In a way, the same has been outsourced. The petitioners cannot be said to be employees of National Health Mission. In light of that, the petitioners would not be entitled for further benefits of age relaxation for five years of existing National Mission Health employees.

7. In light of that, writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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