

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1026 WRIT PETITION NO.8083 OF 2021**

RAHUL DEVARAO SATHE AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Rahul D. Khadap, Advocate for the Petitioners.
Mr. S. K. Tambe, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 12th AUGUST, 2021.

PER COURT:-

1. We have heard Mr. Khadap, learned counsel for petitioners and learned A.G.P.

2. Mr. Khadap, learned counsel submits that earlier statute did not provide for age limit to be considered for promotional post. Now, under the amended Rules, the promotion can be made from the suitable person who has completed regular service of not less than five years and his age is not more than 53 years. Such restrictions are unreasonable and arbitrary. The same has not been considered.

3. We have heard learned A.G.P.

4. The challenge to the Rule is pending consideration with the Tribunal. The presumption is always in favour of the validity. unless the Rule is set aside.

5. In light of that, at present we are not inclined to interfere in the order passed by the Tribunal.

6. Considering the grievance made, we expect that Tribunal will deal with the issue expeditiously.

7. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE