

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

934 WRIT PETITION NO.2501 OF 2022

**PRASHANT ATMARAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioner: Mr.Himmatsinh D. Deshmukh
AGP for Respondent No.1: Mr. S. B. Yawalkar
Advocate for Respondent No. 2: Mr. R. R. Bangar

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**CORAM: S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATE: 22nd FEBRUARY, 2022

PER COURT:

1. Mr. Deshmukh, learned Counsel for the Petitioner submits that the cut of date has to be the last date of filing application. The advertisement has been issued on or before 02.02.2022 and the last date of filing application is 22.02.2022 The cut of date for calculating the upper age limit is prescribed as 01.08.2022. The same is illegal, irrational and does not stand to reason. Because of the unreasonable and irrational cut off date prescribed in the advertisement, the Petitioner cannot participate in the process, the same is illegal.

2. The Judgment of the Apex Court in case of *Union of India Vs. Sudhir Kumar Jaiswal* reported in *1994 (4) SCC 212* squarely covers the issue. The Apex Court has observed that it cannot be held that continuation of treating 1st August as the cut off date, despite the Union Public Service Commission having introduced the method of preliminary examination which is held before 1st August, can be said to be "very wide of any reasonable mark" or so capricious or whimsical as to permit judicial interference.

3. In light of the same, no interference called for. The Writ Petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

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