

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1042 OF 2022**

Mohammed Hussain Hisamuddin Shaikh ...Petitioner
Versus
Maharashtra Public Service Commission & Ors ...Respondents

Mr Bhavesh Parmar, *with Rahul Gaikwad & Reshma Nair, i/b
Gravitas Legal, for the Petitioner.*
Mr Manish Upadhyay, AGP, *for Respondents Nos. 1, 2 & 4.*

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 23rd February 2022

PC:-

1. There are Affidavits of Respondent No. 2, Shashi Kumar Meena, Deputy Commissioner of Police, LA-I, Naigaon, and Anil Eknath Kulkarni, Joint Secretary, Home Department, Mantralaya. We have seen both the Affidavits.

2. The State Government says that Respondent No.3's appointment or extension has not been accepted by the Government. The request for an extension of his contract or service was rejected and Respondent No. 2, the Deputy Commissioner of Police, was directed to formulate revised Recruitment Rules for the post of Police Band Master. The Affidavit of the Deputy Commissioner of Police says that Respondent No. 3 was continued

ASHWINI
HULGOJI
GAJAKOSH

Digitally signed
by ASHWINI
HULGOJI
GAJAKOSH
Date: 2022.02.24
18:13:26 +0530

only temporarily for a period of six months as a stop-gap or ad-hoc arrangement to attend to official functions and unforeseen events like State funerals. Paragraph 6 of that Affidavit clarifies that there was no intention to favour Respondent No. 3 or to renew his contract. The limit extension was to overcome departmental difficulties as there was no other option at that time. Respondent No. 3 was hired for six months. The emoluments or fees for this temporary hire were paid from the Police Band Fund and not by the State Government. The 2nd Respondent has also prepared New Recruitment Rules to the post of Band Master (Police Inspector) Group A. These will then be approved by the State Government, after which the MPSC will conduct the selection process.

3. We note these statements on behalf of the State Government and the Police Commissioner. We request the 2nd Respondent to expedite the process of finalizing the Recruitment Rules. If possible, this should be done by 31st March 2022 so that the same can be forwarded to the State Government for early approval.

4. This is sufficient to dispose of the Petition.

5. There will be no order as to costs.

6. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)