

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7743 OF 2023

Farjana Gaus Mahat & Anr.

.. Petitioners

Vs.

The State of Maharashtra & Ors.

....Respondents

- Dr. Uday P. Warunjikar a/w. Mr. Sumit S. Kate, for the Petitioners.
- Ms. A.A. Purav, AGP for Respondent No.1–State.
- Mr. Rahul Nerlekar, for Respondent No.3.

CORAM : SUNIL B. SHUKRE &

FIRDOSH P. POONIWALLA, JJ

DATE : 30th AUGUST, 2023

P.C.

1. Heard Dr. Uday Warunjikar, learned counsel appearing for the petitioners, Mr. Rahul Nerlekar, learned counsel for Respondent No.3 and learned AGP for the Respondent-State. Nobody is present for Maharashtra Public Service Commission–Respondent No.2.

2. Learned counsel for the petitioners has made a valiant effort in seeking best possible relief for the petitioners, but it seems that this time the luck does not wish to smile upon the petitioners. There is no doubt that the petitioners are sincere students and serious aspirants for judicial post in Maharashtra, but this time it appears that they have missed the bus by a whisker.

3. The case of the petitioners on the ground of parity would otherwise deserve consideration and even acceptance by this Court as

similarly situated candidates have been granted relief by this Court on account of factor of Covid-19 Pandemic, a factor which put the societal affairs to a complete halt thereby also making the authorities refrain from issuing any advertisement for recruitment of judicial officers at that period of time. It was only on account of the said factor, which was not within the control of anybody, that this Court thought it fit to grant some relaxation in the upper age limit and allow the candidates who had crossed the upper age limit to appear at the examination being held for making judicial appointments. But, as far as the petitioners are concerned, there is one more difficulty and it is about the time at which they have approached this Court. By the time, the petitioners approached this Court, the last date of submission of the application forms was over and now if the petitioners are allowed to appear at the examination, this Court would also have to grant further relaxation in the last date of submission of the application forms. That is, however, a matter of policy about which this Court cannot do anything. It seems that the authorities have not taken any policy decision to extend the last date of submission of the application forms, and therefore, now this Court cannot, by a judicial order, frame a policy and extend the last date of submission of application forms.

4. In the result, we find that this petition cannot be allowed not on the question of parity, but on the question of expiry of the last date of submission of the application forms.

5. In the circumstances, we find that this petition has become infructuous and the petition stands dismissed as infructuous.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]