



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11446 OF 2023

Swati Balkrishna Jadhav & Ors.

...Petitioners

V/s.

The Maharashtra Public Service Commission

...Respondent

Mr. Aditya Raktade a/w. Mr. Dnyanesh Patil for the Petitioners.

CORAM : SUNIL B. SHUKRE, AND

FIRDOSH P. POONIWALLA, J.J.

DATE : 14th SEPTEMBER 2023

PC.

1. Heard. Petitioners are questioning the rationale of the age limits prescribed in the advertisement issued for appointment of Judicial Magistrate First Class by the Maharashtra Public Service Commission ("MPSC"). As per the advertisement, the upper age limit for the candidates who are other than OBC's, is 35 years and the Petitioners are the candidates other than OBC who have crossed the age of 35 years and presently they are running 37th year in their life.

2. Learned Counsel for the Petitioner submits that as per the general instructions issued by MPSC, age relaxation by maximum of five years has been provided to candidates belonging to EWS ("Economically Weaker Section") category thereby, stretching the upper age limit to 40 years in their case. He submits that the Petitioners are the candidates who

belong to EWS category and therefore the Petitioners are entitled for age relaxation of maximum five years as per the general instructions issued by the MPSC. He submits that the advertisement in question is, however silent on the aspect of granting of age relaxation of five years to candidates belonging to EWS category and he submits that since the general instructions grant this benefit to the candidates, same benefits should also be granted to the aspirants of the post of Judicial Magistrate First Class and that is why the suitable directions should be issued to the MPSC for clarifying or modifying the upper age limits prescribed in the advertisement in question so that Petitioners could file their Applications seeking their appointments to the said post.

3. The argument submitted on behalf of the Petitioner cannot be accepted by this Court for several reasons.

4. First reason is that the general instructions issued by MPSC do not have any application to the examination conducted for recruitment of Judicial Magistrate First Class. The terms and conditions of judicial recruitments are framed and prescribed in consultation with the High Court and in the present case, all the terms and conditions as mentioned in the advertisement in question have been prescribed only after there was consultation with and also concurrence from the High Court.

4. Secondly, the post of Judicial Magistrate First Class has specialized requirements and therefore, the terms and conditions on the basis of which judicial recruitments would be made is also be special and therefore, the general instructions, which have their application generally, would not by themselves apply to recruitment of candidates to the post having specialized need. Those special requirements could only be stated by the employer who is going to ultimately recruit such candidates.

5. Thirdly, the High Court, as a matter of policy has not provided any reservation for candidates belonging to EWS category and if there is no reservation provided for such a category of the candidates, there would be no question of granting of any relaxation in upper age limit by applying criteria of EWS.

6. For these reasons we find that there is no merit in this Petition. Petition stands rejected.

(FIRDOSH P. POONIWALLA, J.)

(SUNIL B. SHUKRE, J.)