

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.5789 of 2019

Vijay Shankarrao Jambhulkar

vs.

The State of Maharashtra, through its Secretary, Home Department, Mantralaya, Mumbai
and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

S/Shri Amol S. Mardikar and Aniket Rangari, Advocates for petitioner.
Ms S.S.Jachak, Assistant Government Pleader for respondent no.1.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 18th JULY, 2023

Heard.

2. The petitioner is aggrieved by the order passed by the Maharashtra Administrative Tribunal on 18.07.2019 by which Original Application bearing No.584 of 2018 preferred by the petitioner seeking relief under the provisions of the Bombay Home Act, 1947 as member of the Home Guard Association was held to be not maintainable. On 27.01.2023 it was recorded that prayer Clauses (b) and (c) in the writ petition for challenging the order passed by the Tribunal and remanding proceedings to it were not being pressed. Only relief now sought by the petitioner is for a direction for continuing him on the post of 'Home Guard' in view of Rule 9 of the Bombay Home Guard Rules, 1953.

3. In the affidavit filed on behalf of the respondent no.2, copy of the Government Resolution dated 08.03.2019 is placed on record. As per the said Government Resolution the age of superannuation has been increased from 55 years to 58 years. It has been further stated in the affidavit that on 22.06.2021 the petitioner has attained the age of 58 years.

4. In that view of the matter, the direction sought by the petitioner to continue him on the post of 'Home Guard' cannot be now issued since the petitioner has crossed the age of 58 years.

5. In the light of the aforesaid, no relief can be granted to the petitioner. The writ petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.