



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 8435 OF 2023

AJAY KUMAR S/O. CHHAGANLAL MALVIYA

...Vs...

THE STATE OF MAHA. THR. ITS ADDITIONAL CHIEF SECRETARY, MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.H.Joshi, Advocate for petitioner.

Shri P.P.Pendke, AGP for respondents/State.

**CORAM: ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.**

DATED : 06th OCTOBER, 2025.

Heard.

2. In this writ petition, the petitioner has made the following prayers:-

“(a) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby be pleased to direct the respondents and the Government of Maharashtra to consider increase in the age of retirement of the Police Officers in the State of Maharashtra from 58 years to 60 years in the interest of justice and fairplay

(b) by an appropriate writ, order or direction interim, direct the respondents to continue the petitioner in service on the same post beyond 31st December 2023 or grant extension to him in service for a particular period during the pendency of this petition and subject to the outcome of this petition in the interest of justice

(c) grant ad-interim relief in terms of prayer clause (b) above pending its confirmation; and

(d) allow this petition with costs and grant any other relief deemed fit and proper in the facts and circumstances of the case to subserve the ends of justice.”

3. The whole basis for seeking these reliefs is that, in the policies of other States namely Karnataka, Assam,

Bihar, Meghalaya, Chattisgarh, Gujrat, Tripura, Haryana, Punjab, Uttar Pradesh, West Bengal, the age of superannuation in respect of Police Officers is 60 years, whereas in the State of Maharashtra, it is 58 years and therefore, the same policy shall be adopted by the State of Maharashtra.

4. Thrice the matter was adjourned at the request of the petitioner to point out that, the policy in relation to a particular subject in other States shall also be adopted by the State of Maharashtra, however, the petitioner failed to point out any subject.

5. It is a settled law that merely because some other States have certain policies regarding the age of superannuation for a particular category of employees, that does not provide grounds to seek mandamus against the State of Maharashtra to adopt the same policy in the State of Maharashtra, unless it is shown that the present policy is unreasonable and arbitrary.

6. The Hon'ble Apex Court in the case of **Sureshchandra Singh V/s. Fertilizer Corpn. of India** reported in **(2004) 1 SCC 592** held as under:-

"7. ...Each public sector undertaking is an independent body/entity and is free to have its own service conditions as per law..."

7. Further, the Hon'ble Apex Court in the case of **Nagaland Senior Govt. Employees Welfare Association and Ors. vs. The State of Nagaland and Ors.** reported in **(2010) 7 SCC 643** held as under:-

“45. ...Merely because some employees had to retire from public employment on completion of 35 years of service although they have not completed 55 years of age does not lead to any conclusion that the impugned enactment is arbitrary, irrational, unfair and unconstitutional. The fact that provision such as the impugned provision that allows the retirement from public employment on completion of 35 years' service is not to be found in other States is of no relevance. As a matter of fact, retirement policy concerning public employment differs from State to State. Kerala retires employees from public employment at the age of 55 years. In any case there is nothing wrong if the legislation provides for retirement of the government employees based on maximum length of service or on attaining particular age, whichever is earlier, if the prescribed length of service or age is not irrational.”

8. Similarly, the High Court of Madhya Pradesh in the case of ***Dr. Pradeep Kumar Solanki vs. The State Of Madhya Pradesh And Others*** (Judgment in Writ Petition No. 41615 of 2024, decided on 19/05/2025) observed as under:-

“17. It is well settled proposition of law that fixing the age of retirement is purely a policy matter that lies within the domain of the State Government. It is not for the courts to prescribe a different age of retirement from the one applicable to Government employees under the relevant service Rules and Regulations. It is trite that the Courts ordinarily do not interfere with policy decisions made by the Government unless those decisions are demonstrably unconstitutional or violative of fundamental rights.”

9. In the light of above legal position, this petition lacks any merit. Accordingly, it is **dismissed**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)