



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

WRIT PETITION NO. 7092 OF 2024

(Sarthak Diliprao Khajurkar & Anr.

Vs.

State of Maharashtra, Thr. its Secretary, Rural Development and
Panchayat Raj Department, Mantralay, Mumbai & Ors.)

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. C.D. Gawande, Advocate for the Petitioners.
Mr. Sachin Narale, AGP for the Respondent No.1/State.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 14th FEBRUARY, 2025

Heard.

2. The Petition questions the communication dated 17.11.2018 issued by the Respondent No.3, the application for substitution of the name of the Petitioner No.1 in place of Petitioner No.2, who has crossed the age of 45 years, has been rejected.

3. We have asked Mr. M.G. Rathi, learned Counsel appearing for the Respondent Nos.2 and 3, to waive the notice in this regard, considering the fact that the issue is covered by the judgment of the Full Bench of this Court in *Kalpna and Ors. Vs. The State of Maharashtra and Ors., MANU/MH/3386/2024.*

4. Mr. Narale, learned AGP waives notice for the Respondent No.1/State.
5. As indicated above, the issue of substitution stands covered by the judgment of the Full Bench of this Court in *Kalpana and Ors.* (supra), in view of which, the impugned communication dated 17.11.2018, cannot be sustained and is hereby quashed and set aside.
6. The Respondent Nos.2 and 3 are directed to consider the application of the Petitioners in light of what has been held in *Kalpana and Ors.*(supra).
7. The Petition is accordingly **allowed** in the above terms. No costs.
8. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)