



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO.1822 OF 2026

Pralhad Kundlik Pakhare

VERSUS

The State Of Maharashtra Through Its Principle Secretary And Others

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Mr. Amol A. Kokad, Advocate for the Petitioner.

Mr. S. B. Narwade, AGP for Respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 23 MARCH 2026

ORDER (Per Hiten S. Venegavkar, J.) :-

. Heard learned Advocate for the petitioner.

2. By the present petition, the petitioner is seeking a mandamus to respondent Nos.1 and 2 to correct the error in recording the date of superannuation of the petitioner and consider his date of birth as 01.06.1965 thereby declaring that his date of retirement is 30.06.2025. The petitioner also challenges the premature retirement of the petitioner which has been effected on 31.12.2024 being arbitrary and illegal.

3. Before entering into the merits of the matter, learned AGP raises preliminary objection regarding maintainability of the present petition on

the ground that the Police Patil is a Government servant appointed by the State Government and, therefore, the appropriate remedy available to the present petitioner is to approach Maharashtra Administrative Tribunal by filing appropriate proceedings.

4. We have considered the preliminary objection and have also consider the Maharashtra Village Police Act, 1967. Section 5(4) of the Maharashtra Village Police Act, 1967 provides that the powers of the State Government under sub-sections (1) and (2) may be exercised also by the District Magistrate, provided that, the number of Police Patils appointed by the State Government for any village or group of villages shall not be exceeded, without the previous sanction of the State Government. Perusal of the definition provided under Section 2(c) of the Maharashtra Village Police Patils (Recruitment, Pay, Allowances and other Conditions of Service) Order, 1968, defines the term “competent authority” for the purposes of the rules governed by the State Government or the District Magistrate or any other officer, who is competent to make the appointment of the Police Patil.

5. In pursuance of this definition, Section 5 of the Maharashtra Village Police Act, 1967, which governs the appointment of the Police Patil, states that the State Government shall appoint one or more Police

Patils for a village or group of villages. Perusal of the appointment order of the petitioner annexed to the present petition shows that the appointment of the petitioner has been made by Sub Divisional Officer, which according to us is the competent authority under the Act and Rules referred above.

6. Rule 12 also makes the application of Bombay Civil Services Rules etc. to the appointment of the Police Patils, which only provides that it should not be inconsistent with the Act made thereunder. Thus, the Bombay Civil Services Rules as well as the Act are applicable to the services and appointment of the petitioner.

7. In our considered view, taking into consideration the provisions, we find that objection taken by the learned AGP is within the framework of the enactment and therefore, the appropriate remedy available to the petitioner is to file proceedings before the Maharashtra Administrative Tribunal.

8. In view of the above, the writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm