

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3539 OF 2026

Dr. Mohini Haresh Dharma

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. Vaishali Jagdale a/w Mr. Yash K. Jagdale for the Petitioner.

Mr. P.P. Kakade, Addl.G.P. a/w Smt. T.N. Bhatia, AGP for the Respondent No. 1-State in WP/3539/26.

Mr. P.P. Kakade, Addl.G.P. a/w Mr. S.P. Kamble, AGP for the Respondent Nos. 1, 4 and 5 - State in WP/2115/26.

Ms. Pooja Joshi Deshpande for the Respondent Nos. 2 and 3 in WP/3539/26.

Mr. Ashok Kotangale, Senior Counsel a/w Ms. Janavi Patil, Ms. Shridevi Kotkar i/by Mr. Bhushan C. Joshi (Thru VC) for the Respondent Nos. 2 and 3 in WP/2115/26.

CORAM : R.I. CHAGLA J
ADVAIT M. SETHNA, J

DATE : 23 April 2026

ORDER :

1. Rule. Rule made returnable forthwith.
2. Heard by consent of the parties.

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3. By this Writ Petition, the Petitioner is seeking a direction to the Respondents to apply the amended Rule 10(1) of the Maharashtra Civil Service (Pension) Rules, 1982 to the Petitioner's case and recognize that the Petitioner is entitled to the benefit of extended retirement age of 60 years as prescribed therein.

4. There is a representation, which had been made by the Petitioner to the Respondent–Corporation dated 26th February 2026. It appears that the representation has till date not been considered. Reliance has been placed upon this Court's order dated 23rd February 2026 passed in Writ Petition No. 2115 of 2026. A consistent view had been taken for grant of interim protection to the Petitioner, particularly in view of the Petitioner being superannuated at the age of 58 years and that the notification dated 23rd February 2022 having extended the retirement age to 60 years.

5. The interim protection had been opposed on the ground that the said Notification was in force till 31st May 2023, inspite of which, this Court had granted *ad-interim* relief and made it clear that in the event, the Writ Petition fails, the Respondents would be at liberty to pass appropriate order as regards recovery / adjustment of

the amounts paid to the Petitioner for the services rendered under the interim order.

6. A Special Leave Petition was preferred from the said order dated 23rd February 2026, which has been dismissed by the Supreme Court.

7. The aforementioned facts shall be taken into consideration by the Respondent-Corporation in deciding the said representation of the Petitioner. The Respondent-Corporation shall decide the said representation on or before 6th May 2026. The order shall be communicated to the Petitioner by the Respondent-Corporation.

8. Writ Petition is disposed of in these terms. There shall be no order as to costs.

9. Writ Petition shall be placed for compliance on 7th May 2026.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]