



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

WRIT PETITION NOS. 5119, 5122 & 5125 OF 2025

WRIT PETITION NO. 5119 OF 2025

PETITIONER:

Swapnil S/o Prakash Lokhande,
Aged about 35 years, Occ: Service,
R/o Plot No. 11, Near Bhawan School,
Shrikrushna Nagar, Wathoda Layout,
Nagpur.

- **Versus** -

RESPONDENTS:

1. The State of Maharashtra, Through its Secretary, Urban Development Department, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai – 32.
2. Nagpur Municipal Corporation, through its Municipal Commissioner, Civil Lines, Nagpur.

Mr. G.N.Khanzode, Adv. for the petitioner.
Ms.H. S. Dhande AGP for the respondent No.1.
Mr.J. B. Kasat, Adv. for the respondent No.2.

WRIT PETITION NO. 5122 OF 2025

PETITIONER:

Raj S/o Rambhau Chaudhari,
Aged about 31 years, Occ: Service,
R/o Plot No. 202, Pratap Nagar Road,
Trust Colony, Khamla, Trisharan
Nagar, Nagpur.

- **Versus** -

RESPONDENTS:

1. The State of Maharashtra, Through its Secretary, Urban Development Department, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai – 32.
2. Nagpur Municipal Corporation, through its Municipal Commissioner, Civil Lines, Nagpur.

 Mr. G.N.Khanzode, Adv. for the petitioner.
 Ms.H. S. Dhande AGP for the respondent No.1.
 Mr.J. B. Kasat, Adv. for the respondent No.2.

WRIT PETITION NO. 5125 OF 2025

PETITIONER:

Kamlesh S/o Shivshankar Zanzad,
 Aged about 45 years, Occ: Service,
 R/o Plot No. 499, Gokulpeth, Nagpur.

- **Versus** -

RESPONDENTS:

1. The State of Maharashtra, Through its Secretary, Urban Development Department, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai – 32.
2. Nagpur Municipal Corporation, through its Municipal Commissioner, Civil Lines, Nagpur.

 Mr. G.N.Khanzode, Adv. for the petitioner.
 Ms.H. S. Dhande AGP for the respondent No.1.
 Mr.J. B. Kasat, Adv. for the respondent No.2.

**CORAM: SMT. M. S. JAWALKAR &
NANDESH S. DESHPANDE, JJ.**

**CLOSED ON : 7TH MARCH, 2026
PRONOUNCED ON : 1ST APRIL, 2026**

J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. The petitioner in Writ Petition No.5119 of 2025 came to be appointed as Junior Clerk on 23/09/2015. The petitioner in Writ Petition No.5122 of 2025 came to be appointed as Mazdoor on 19/10/2015 and promoted by order dated 14/09/2018 as Junior Clerk. The petitioner in Writ Petition No.5125 of 2025 came to be appointed on compassionate ground as a Junior Clerk on 14/06/2004. All the petitioners were appointed on the establishment of respondent No.2 and working in the Information and Technology Department from the date of their appointments.

4. Facts and circumstances arising out of the present petitions are identical and are challenging the same advertisement, therefore all the writ petitions are decided by this common judgment and Writ Petition No.5119 of 2025 shall be considered as a lead petition.

5. By this Petition, the Petitioners are challenging the advertisement dated 22.08.2025 issued by the Respondent No.2- Municipal Commissioner, Nagpur Municipal Corporation to the extent of the post of System Analyst and Hardware Engineer (Sr. No. 31 and 33 at Annexure D) and further challenging the Nagpur Municipal Corporation Services (Recruitment and Classification of Services) Rules, 2023 (Annexure F) being inconsistent with the provisions of the Municipal Corporation Act, 1949.

6. The Petitioner was initially appointed as Junior Clerk on compassionate grounds by order of the Respondent No.2 dated 23.09.2015. The Petitioner has been working under the Information and Technology Department of the Respondent No. 2- Municipal Corporation since the date of his appointment and possesses the requisite qualification.

7. The Respondent No. 2 sent proposal to fill up vacancies in the establishment by way of nomination and resolution to that effect was passed in the meeting held on 25.01.2023. The said proposal was approved by the Respondent No. 1 State wide Government Resolution dated 10.05.2023.

8. The respondent no.2 in exercise of powers vested under Section 457(3) of the Municipal Corporation Act, drafted the service recruitment rules named as Nagpur Municipal Corporation and

Services (Recruitment Classification of Services) Rules, 2023 dated 08.12.2023 without considering the proposed Rules forwarded by the respondent no.1 along with the proposal dated 25.01.2023 in respect of the various posts to be filled in by way of nomination.

9. Against the said recruitment rules, the Petitioner made representations to the Respondent No. 2 on 26.02.2025, however, the Respondent No. 2 neither replied nor rejected the said representation. Therefore, the Petitioner sent another representation to the Respondent No. 2 on 18.06.2025 which was duly acknowledged by Respondent No. 1 and 2.

10. Subsequently, the Respondent No. 2 issued the impugned advertisement dated 22.08.2025, thereby calling online applications for total 174 posts to be filled by way of nomination. The last date of submission of applications was 09.09.2025. As per the said advertisement, the desired educational qualification for the post of System Analyst under Clause No.2.1.2 Serial Nos.7 and 8) is only Bachelor of Engineering in Computer and three years of experience as System Analyst apart from some preference to the employees who are working with the Respondent no.2-Municipal Corporation.

11. It is the contention of the Petitioner that the said educational qualification is inconsistent with Sections 45, 53 (3) and 457 of the Municipal Corporation Act, 1949, as well as with the

Recruitment Rules, 2023 framed by the Municipal Corporations of Pune, Ahmednagar and Pimpri- Chinchwad.

12. It is contention of the respondent No.2-Municipal Corporation that there is delay in filing the petitions, as the petitioners are challenging the Nagpur Municipal Corporation and Services (Recruitment Classification of Services) Rules, 2023 (hereinafter referred to as “Rules of 2023”) for the sake of brevity) in the year 2025. Secondly, the contention of the petitioners that earlier for the post of System Analyst and Hardware Engineer, the ‘equivalent qualification’ such B.Sc.Compuyster, M.S.C., M.C.A. was prescribed. In the Rules of 2023, the words “or equivalent” are deleted. However, the petitioners challenging the draft Rules of 2023, wherein “equivalent qualification” was not considered. The post of Municipal Officers and Servants, their number, designations, grades, etc. are required to be determined from time to time by the Standing Committee on the recommendation of the Commissioner and same shall be subject to the prior sanction of the respondent No.1-State Government as per section 51 of the Nagpur Municipal Corporation Act, 1949 (hereinafter referred to as “NMC Act” for the sake of brevity).

13. The Eleven Members Committee under the Chairmanship of Mayor is constituted as per the Resolution No.34, dated 20/01/2025

for preparation of staffing pattern as well as the service rules in the respondent-Municipal Corporation and the said Committee prepared the draft staffing pattern and service rules and on the said drafts, the objections and suggestions were invited from the recognized union i.e. Rashtriya Nagpur Corporation Employees Association. However, no suggestions and objections were notified by the said Union. Thereafter, the drafts of the staffing pattern and the service rules were placed before the Standing Committee of the respondent-Municipal Corporation for its sanction and the same were sanctioned by the Standing Committee with minor modifications, suggestions and it was placed before the General Body of the respondent-Municipal Corporation. The General Body with certain suggestions approved the staffing pattern as well as the service rules. Thereafter, the same were forwarded to the respondent No.1-State of Maharashtra for its sanction. The respondent No.1 by its communication dated 13/12/2021 directed to submit composite proposal in relation to the staffing pattern and service rules. Accordingly re-verification was undertaken and after removal of deficiencies, composite proposal was submitted to the respondent No.1. After giving sanction to the staffing pattern by the respondent No.1, GR dated 10/05/2023 was issued by the State. The proposal for service rules was also sanctioned, in view of section 457(3) of the NMC Act by exercising powers under sections 454, 455, 456, 457(3) and 465 of the NMC Act vide GR dated

08/12/2023. It is further submission that the respondent No.1 published Gazette Notification on 08/12/2023 and accordingly “*Nagpur Mahanagar Palika Seva (Seva Pravesh Va Sevanche Vargikaran) Niyam, 2023*” i.e. Rules of 2023 came into force on that day.

14. *Per Contra*, the respondent No.2, in its reply, contended that the plea of the petitioner to include the qualification equivalent to the Bachelor Degree in Engineering against the post of System Analyst and Data Manager by the answering respondent corporation is wholly misconceived, particularly when as on date the eligible candidates having Bachelor Degree in Engineering (Computer) are abundantly available, furthermore, the educational curriculum for qualifying the Bachelor Degree in Engineering (Computer) and for B.Sc., Computer Science and M.C.A. are different and there is no comparison between the two. Therefore, in view of the expertise required for the posts such as System Analyst and Data Manager the prayer by the petitioner to include the qualification like B.Sc., Computer Science and M.C.A. as equivalent qualification with Bachelor Degree in Engineering (Computer) is wholly misconceived.

15. The respondent-Corporation further contended that, by Rule 3.3 of the Service Rules of 2023 at Annexure-F to the petition the Technical Services with the respondent-Municipal Corporation are

classified and therefore the plea of the petitioner that the impugned advertisement is contrary to the Service Rules, is grossly erroneous and wholly misplaced.

16. Heard the submissions of both parties at length and examined the documents filed on record by both the parties.

17. Admittedly, the petitioner came to be appointed on compassionate ground as a Mazdoor. Subsequently, he was appointed as junior clerk by order dated 23/09/2015. He being qualified as M.Sc. Computer (Science), under the E-Governance Project, the petitioner was given work with the Information and Technology Department of the respondent No.1-Municipal Corporation for 7 to 8 years. The certificate was issued by the respondent No.2-Municipal Corporation that Swapnil Lokhande (petitioner herein) was working with the Information and Technology Department, Nagpur Municipal Corporation since 2014 and since 2017, he has been serving in the capacity of Information and Technology Officer with primary responsibilities in system administration for the past 8 years.

18. As per GR dated 10/05/2023, the respondent No.1 has given sanction to the staff justification after due compliance by the Commissioner and Administrator of Nagpur Municipal Corporation. What is annexed along with this resolution appears to be draft proposal as it can be seen that it bears dated 17/11/2016, whereas

proposal is submitted by the Commissioner and the Administrator of NMC dated 25/01/2023. Therefore, what is in the draft proposal of 2016, there is mention of equivalent qualification against the post of system analyst and hardware engineer apart from B.E.Computer. Thereafter as submitted by the learned counsel for the respondent-Municipal Corporation, there is a procedure for finalizing the staff justification and service rules. Finally, the respondent No.1-State of Maharashtra has sanctioned and also approved the said Rules of 2023 vide GR dated 08/12/2023, which was duly published in the gazette notification. As such, there is no illegality and due procedure is followed by the respondent-Municipal Corporation before finalizing the staff justification and Rules of 2023. Hence, there is no substance in the contention of the petitioner that those Rules of 2023 were not published.

19. The learned counsel for the respondent-Municipal Corporation placed on record the proposal forwarded to the respondent No.1 along with Schedules A & B, wherein the requisite qualification for the post of System Analyst is shown as (1) 'B.E.Computer' from any recognized university by AICTE, (2) Three years experience in System Analyst Program Software Development field and (3) the eligible candidate from the employees of Corporation in Information and Technology.

20. So far as pre-publication of draft staffing pattern and service rules is concerned, the respondent-Municipal Corporation submitted that the objections and suggestions were invited from the recognized union i.e. Rashtriya Nagpur Corporation Employees Association. However, no suggestions and objections were notified by the said Union. There is no mandate in the Rules of 2023 that the said pre-publication should be in official gazette. There is no rejoinder on behalf of the petitioner to this contention of the respondents. The respondents in reply submitted that the Rules of 2023 were duly published in the official gazette as referred above. It is also submitted by the respondent-Municipal Corporation that it is not the case of the petitioner that there is no computer engineer available. There are number of computer engineers available for filling up the post of System Analyst and Hardware Engineer.

21. In view of above observations, we do not see any illegality in the procedure of finalizing and publishing the staffing pattern and the Rules of 2023 and therefore, the petitions are devoid of any merit. Accordingly, all the petitions are dismissed.

22. Rule stands discharged. No order as to costs.

(NANDESH S. DESHPANDE, J)

(SMT. M. S. JAWALKAR, J)