PALLAVI MAHENDRA WARGAONKAR
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2026:BHC-AS:18105-DB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4857 OF 2026

Awadhkumar Kesharimal Bhoyer ...Petitioner
Vs.
State of Maharashtra
Thr. Principal Secretary Home Dept. and Anr. ...Respondents

Mr. Ajit Kenjale a/w A. Khan for Petitioner.
Ms. Priyanka Chavan, AGP for Respondent – State.

CORAM : R. I. CHAGLA AND ADVAIT M. SETHNA, JJ.

DATED : 15th APRIL, 2026

P.C.:-

1. The learned counsel appearing for the Petitioner has moved this Writ Petition on the ground of urgency. This in view of seeking ad-interim relief in terms of the directing the Respondents to accept the application of the present Petitioner for the examination as per the Advertisement No.006 of 2026 issued on 18 March 2026 on such terms and conditions as this Court deems fit.

2. The learned counsel appearing for the Petitioner has placed reliance upon an order dated 9 April 2026 passed in Writ Petition No.4462 of 2026 along with companion Writ Petitions in which the same ad-interim relief was sought and this Court had granted ad-interim relief by making it subject to the outcome of the present Petitions and/or further orders to be

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passed therein and that the Petitioner shall not claim any equities by virtue of the said order. The Respondents were directed to accept the applications of the Petitioners made by 5.00 pm on 17 April 2026 for the examination as per the Advertisement No.006/2026 issued on 18 March 2026.

3. The learned counsel for the Petitioner states that the present Petitioner is aged 44 years. He states that when the Supreme Court order dated 3 December 2019 had been passed and which order had directed the Respondent - State to appoint Additional Public Prosecutors and complete the process within the stipulated period of six months and which had not been complied with by the Respondent – State, he was within the cut off age of 38 years. Inspite of the said order, the Respected - State forwarded the requisition to the MPSC on 11 February 2025 and the impugned Advertisement was issued only on 18 March 2026. He has accordingly sought for similar ad-interim order to be passed in the case of the present Petitioner.

4. We have considered the application for ad-interim relief. The reason for passing of the ad-interim order dated 9 April 2026 in Writ Petition No.4462 of 2026 with companion Writ Petitions was the non-compliance by the Respondent – State of the aforementioned order of the Supreme Court dated 3 December 2019 by which the Respondent – State was to complete the process of appointment of Additional Public Prosecutors within a period

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of six months as directed.

5. The factual position is that the Petitioner would have been within the cut-off age limit of 38 years, in the event the Respondent – State had complied with the said order of the Supreme Court.

6. Accordingly, we grant ad-interim relief by making it clear that the ad-interim order passed in these proceedings shall be subject to the outcome of the present Petition and/or further order to be passed therein and the Petitioner shall not claim any equities by virtue of this order. The Respondents are accordingly directed to accept the application of the Petitioner made by 5.00 pm on 17 April 2026 for the examination as per the Advertisement No.006/2026 issued on 18 March 2026.

7. The Respondents shall file the affidavit-in-reply to the Writ Petition on or before 24 April 2026. The Petitioner is at liberty to file affidavit-in-rejoinder thereto on or before 30 April 2026.

8. We clarify that this order is restricted only to the Petitioner who is before this Court.

9. Stand over to 5 May 2026 along with Writ Petition No.4662 of 2026 and companion Writ Petitions.

[ADVAIT M. SETHNA, J.] **[R.I. CHAGLA, J.]**