

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4869 OF 2026**

Diksha Prakash Chand Kothari and Anr. ...Petitioners  
**Vs.**  
The State of Maharashtra  
Thr. The Principal Secretary and Ors. ...Respondents

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Mr. Tejesh Dande a/w Bharat Gadhavi and Aniket Shitole for the Petitioners.  
Mr. B.V. Samant, Addl. G.P a/w Priyanka Chavan, AGP for Respondent – State.  
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**CORAM : R. I. CHAGLA AND  
ADVAIT M. SETHNA, JJ.**

**DATED : 15<sup>th</sup> APRIL, 2026**

**PC.:-**

1. By this Writ Petition, the Petitioners are seeking a direction to Respondent No.3 i.e. Directorate of Prosecution, State of Maharashtra to issue permission to the Petitioners to appear in the examination and also issue experience certificate to the Petitioners.
2. This Writ Petition has been moved on the ground of urgency in view of ad-interim relief being sought with respect to the above prayer. Reliance has been placed on the order passed by this Court in Writ Petition No.4462 of 2026 - order dated 9 April 2026 wherein the same interim relief has been sought by the Petitioners therein as sought for herein-above.
3. This Court had considered that the delay which was on the part of the Respondent - State in appointment of Additional Public Prosecutor viz. that

inspite of the order passed by the Supreme Court on 3 December 2019 directing completion of the process to be completed within the stipulated period of six months therefrom, the requisition had been forwarded by the Respondent - State to the MPSC on 11 February 2025, and the impugned advertisement was issued only on 18 March 2026.

4. This Bench has accordingly had taken a view that the Petitioners have exceeded the cut-off age limit *prima facie* in view of delay in appointment of Additional Public Prosecutors by the Respondent - State which resulted in the cut-off age under the Maharashtra Additional Public Prosecutor, Group – A, Recruitment Rules, 1997 of 36 years as revised to 38 years to lapse. In view thereof, the Petitioners should not be made to suffer on account of delay on the part of the Respondent - State in taking the necessary steps towards such appointments.

5. Accordingly, ad-interim relief had been granted in the aforementioned order of 9 April 2026, by directing the Respondents to accept the application of the Petitioners for the examinations for post of Additional Public Prosecutors for State of Maharashtra as per the Advertisement No.006/2026 provided the applications are made by 5.00 pm on 17 April 2026 for the examination as per the said advertisement issued on 18 March 2026.

6. We accordingly pass similar order, in this proceeding. We have considered that though the Petitioners in the aforementioned case were contractually appointed, the Petitioners in the present case are on better footing as they have been in regular employment.

7. The Application for experience certificate is required to be made by the Petitioners to the Competent Authority and upon such application being made, the Competent Authority shall decide the same on its own merits and in accordance with law.
8. Accordingly, the said order dated 9 April 2026 shall also apply to these Petitioners. This order would be subject to the outcome of the present Petition and/or further orders passed therein and that the Petitioners shall not claim any equities by virtue of this order.
9. The Respondents are directed to accept the Application of the Petitioners made by 5.00 pm on 17 April 2026 for the examination as per Advertisement No.006/2026 issued on 18 March 2026.
10. The Respondents shall file their affidavit-in-reply to the Petition on or before 24 April 2026. The Petitioners are at liberty to file affidavit-in-rejoinder on or before 30 April 2026.
11. We clarify that this order is restricted only to the Petitioners before this Court.
12. Stand over to 5 May 2026 to be heard along with Writ Petitions which are subject matter of order dated 9 April 2026.

**[ADVAIT M. SETHNA, J.]**

**[R.I. CHAGLA, J.]**