

Kavita S.J.

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

WRIT PETITION NO. 4992 OF 2026

Swati Dattatray Patil

...Petitioner

Versus

Maharashtra Public Service Commission & Anr.,

...Respondents

Mr. Satyajeet P. Dighe a/w Mr. Abhijit Khade for Petitioner.

Mr. G.R. Raghuwanshi, AGP for Respondent No. 1.

**CORAM : R.I. CHAGLA AND
M.M. SATHAYE, JJ.**

DATED : 16th APRIL, 2026.

ORDER :

1. By this Writ Petition, the Petitioner, who is Assistant Public Prosecutor, has sought various prayers including the prayer directing Respondent No. 1 – State of Maharashtra to amend the Advertisement No.006/2026 dated 18th March, 2026 and the relevant Recruitment Rules by inserting clause of relaxation of upper age limit to the Petitioner by giving benefit of her length of standing at the bar.

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2. This Petition has been moved for ad-interim relief in view of the Application requiring to be made by the Petitioner for examination for the post of Additional Public Prosecutor as per Advertisement No.006/2026 issued on 18th March, 2026.

3. Mr. Dighe, learned Counsel appearing for the Petitioner has relied upon similar orders passed by this Court, wherein ad-interim relief had been granted and which include Order dated 9th April, 2026.

4. This Court had considered that delay in appointment of Additional Public Prosecutor was on the part of the Respondent. In spite of the order passed by the Supreme Court on 3rd December, 2019 directing completion of the process of appointment of Additional Public Prosecutors within the stipulated period of six months therefrom, the requisition had been forwarded by the Respondent - State to the MPSC on 11th February 2025, and the impugned Advertisement was issued only on 18th March, 2026. This Court had further considered that the Petitioners had exceeded the cut-off age limit i.e. of 38 years due to the aforementioned lapse on the part of Respondent – State in appointment of Additional Public Prosecutors. The view taken was, that 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. Considering that this Court has taken such a view which would be applicable to the present Petition, we pass a similar ad-interim order.

6. The Respondents are directed to accept the Application of the Petitioner upon the Application being made by 05:00 p.m. on 17th April, 2026 for the examination as per Advertisement No.006/2026 issued on 18th March, 2026. Considering that Experience Certificate is also required to also be uploaded by the said time and date, Application for Experience Certificate shall be made by the Petitioner to the competent Authority and upon such Application being made, the competent Authority shall decide the same expeditiously on its own merits and in accordance with law.

7. It is made clear that this ad-interim order is subject to the outcome of the present Petition and / or further orders passed therein and that the Petitioner shall not claim any equities by virtue of this ad-interim order.

8. We clarify that this ad-interim order is restricted only to the Petitioner before this Court.

9. The Petitioner shall provide her e-mail id to the MPSC on e-mail id legal-div@mpsc.gov.in forthwith.

10. The Respondents shall file their Affidavit-in-Reply to the Petition on or before 24th April, 2026.

11. The Petitioner is at liberty to file Affidavit-in-Rejoinder thereto on or before 30th April, 2026.

12. Stand over to 5th May, 2026 to be heard alongwith the Writ Petitions which are subject matter of orders dated 9th and 15th April, 2026.

[M.M. SATHAYE, J.]

[R.I. CHAGLA, J.]