Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4989 OF 2026

Chandrakant Satyawan Sawant & Ors., …Petitioners

Versus

The State of Maharashtra & Anr., …Respondents

Mr. Sumit Kate a/w Mr. Jevish Jain and Mr. Hrishikesh Nabar for Petitioner.

Mr. S.H. Kankal, AGP for Respondents – State.

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

DATED : 16th APRIL, 2026.

ORDER :

1. By this Writ Petition, the Petitioner No.1 who is Assistant Public Prosecutor (Permanent), Petitioner No.2 who is practicing Advocate, Petitioner No.3 who is Special Public Prosecutor (Contractual) and Petitioner No. 4 who is Law Officer (Contractual), have sought various prayers including the prayer directing Respondents - State to amend the Advertisement No.006/2026 dated 18th March, 2026 and the relevant Recruitment Rules by inserting

KAVITA SUSHIL JADHAV
Digitally signed by KAVITA SUSHIL JADHAV
Date: 2026.04.16 20:01:10 +0530

clause of relaxation of upper age limit to the Petitioners by giving benefit of their length of standing at the bar.

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

3. Mr. Sumit Kate, learned Counsel appearing for the Petitioners 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 - State. Inspite 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 Petitioners upon the Application being made by 5.00 p.m. on 17th April, 2026 for the examination as per Advertisement No.006/2026 issued on 18th March, 2026. Considering that Experience Certificates are also required to also be uploaded by the said time and date, Applications for Experience Certificate shall be made by the Petitioners to the competent Authority and upon such Applications 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 Petitioners 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 Petitioners before this Court.

9. The Petitioners shall provide their e-mail ids 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 Petitioners are 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.]**