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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.12117 OF 2026

JITENDRA  
SHANKAR  
NIJASURE

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**Sharmila Sunil Gaud**

**...Petitioner**

***Versus***

**The State of Maharashtra & Ors.**

**...Respondents**

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Dr. Uday Warunjikar with Ms. Sonali R. Chavan, Ms. Aishwarya  
Tumar and Ms. Isha Hajare for the Petitioner.

Mr. N.C. Walimbe, Addl. G.P. with S.P. Kamble, AGP for the MPSC.

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

**DATE : 23RD APRIL, 2026.**

**ORDER :**

1. By this Writ Petition, the Petitioner who is a practising Advocate, has sought various prayers including the prayer directing Respondent - State to amend the Advertisement No.006/2026 dated 18 March, 2026 and the relevant Recruitment Rules by inserting 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 Petitioner for

examination for the post of Additional Public Prosecutor as per Advertisement No.006/2026 issued on 18 March, 2026.

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

4. This Court had considered that delay in appointment of Additional Public Prosecutor was on the part of the Respondent - State. In spite of the order passed by the Supreme Court on 3 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 11 February 2025 and the impugned Advertisement was issued only on 18 March 2026. This Court had further considered that the Petitioner 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 Petitioner 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. Mr. Walimbe, the learned Additional Government Pleader appearing for the Respondent – MPSC has tendered notice dated 21st April, 2026 addressed by MPSC which has extended the cut off date and time to 24th April, 2026 before 23.59 p.m. The said notice is taken on record and marked ‘X’ for identification.

6. Mr. Walimbe has also tendered a subsequent letter dated 22nd April 2026 issued by the Deputy Secretary, MPSC to the Government Pleader Office, wherein it is stated that those applications which have already been filed before this Court are being accepted pursuant to the communication dated 21st April, 2026 issued by the MPSC. The said letter dated 22nd April 2026 is taken on record and marked ‘X1’ for identification. The Respondent – MPSC shall file an Affidavit bringing on record the said letter dated 22nd April 2026.

7. Mr. Walimbe states that as per the said communication dated 22nd April 2026, the MPSC has made it clear that after receipt of applications which have been filed pursuant to Orders of this

Court, the further recruitment to the said cadre of Additional Public Prosecutor, Group – 1 is kept an abeyance. The statement is accepted.

8. Considering that this Petition is filed seeking similar ad-interim relief which has been granted by this Court and that the view taken in those matters are applicable to the present Petition, we pass a similar ad-interim order.

9. The Respondents are directed to accept online and/or offline Applications of the Petitioner upon the Application being made by 23.59 p.m. on 24 April 2026 for the examination as per Advertisement No.006/2026 issued on 18 March, 2026.

10. 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.

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

12. The Petitioner shall provide her e-mail id to the MPSC on e-mail id [legal-div@mpsc.gov.in](mailto:legal-div@mpsc.gov.in) forthwith.

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

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

15. Stand over to 5 May, 2026 to be heard along with the Writ Petitions which are subject matter of orders dated 9<sup>th</sup> and 15<sup>th</sup> April, 2026.

[ ADVAIT M. SETHNA, J. ]

[ R.I. CHAGLA J. ]