



in accordance with the Rules as 19<sup>th</sup> May 2023. According to the Rules, the upper limit ought not to be more than 35 years as on the cut-off date, i.e. 19<sup>th</sup> May 2023. The Petitioner is admittedly not eligible in accordance with the date as has been prescribed as the cut-off date as per the advertisement in question. However, her grievance is that the posts, which are sought to be filled up, ought to have been filled in the year 2022, and, therefore, if the advertisement had been issued in the said year, she would be eligible, and, therefore, would be entitled to sit in the examination. A challenge has also been thrown to Rule 5, sub-rule 3(c) of the Maharashtra Judicial Services Rules 2008, which prescribes the determination of the lower and upper age limits. A co-ordinate Bench of this Court vide its Order dated 7 June 2023 passed in Writ Petition No.6736 of 2023 permitted the similarly situate candidates to participate in the selection process. The Petitioner, therefore, claims a similar relief in the present Petition as well.

3 Issue notice to the Respondents. Mr. Rahul Nerlekar waives notice for Respondent No.3. Mr P.P. Kakade, G.P waives notice for the Respondent-State.

4 List on 12 September 2023 along with Writ Petition No.6736 of 2023.

5 In the meantime, the Petitioner shall be permitted to apply to Respondent No.2 for the Post of Civil Judge Junior Division and Judicial Magistrate First Class in the manner required by the advertisement dated 19 May 2023 before the cut-off date prescribed by the advertisement for the receipt of such application. The participation of the Petitioner shall be subject to the outcome of the present Petition. Result of the Petitioner shall, however, not be declared without further Orders of the Court.

(ARIF S. DOCTOR, J.)

(DHIRAJ SINGH THAKUR, J.)