

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

**WRIT PETITION NO.14907 OF 2022
WITH
INTERIM APPLICATION NO.7889 OF 2023**

1. Neha Ulhas Pathak
And Others ... Petitioners
Versus
Maharashtra Public Service
Commission
And Others ... Respondents

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Mr. Siddharth Sonaji Ingle for the Petitioner.

Mr. A.I. Patel, Additional G.P. a/w Mr. B.V. Samant for Respondent
No.2-State.

Mr. Rahul Nerlekar for Respondent No.3.

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**CORAM : DHIRAJ SINGH THAKUR &
ARIF S. DOCTOR, JJ.**

DATE : 12 JUNE 2023

P.C.

. Not on board. Taken on board in view of the urgency.

2 Interim Application No.7889 of 2023 is allowed as per the
Schedule "A". The amendment be carried out to the Petition
forthwith. The Applicant in the Interim Application shall figure in
the Petition as Petitioner No.5.

3 The Advertisement dated 19 May 2023 has been issued by Maharashtra Public Service Commission (MPSC) to fill up 114 posts of Civil Judge Junior Division and Judicial Magistrate First Class through a process of selection. The date of eligibility has been fixed in accordance with the Rules as 19th 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. 19th May 2023. The Petitioners are admittedly not eligible in accordance with the date as has been prescribed as the cut-off date as per the advertisement in question. However, their 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, they 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 Petitioners, therefore, claim a similar relief in the present Petition as well.

2 Issue notice to the Respondents. Mr. A.I. Patel, Additional G.P. waives notice for the Respondent No.2-State. Mr. Rahul Nerlekar waives notice for Respondent No.4.

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

4 In the meantime, the Petitioners shall be permitted to apply to Respondent No.1 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 Petitioners shall be subject to the outcome of the present Petition. Result of the Petitioners shall, however, not be declared without further Orders of the Court.

(ARIF S. DOCTOR, J.)

(DHIRAJ SINGH THAKUR, J.)