

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1283 OF 2023

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SUNIL RANGNATH JOSHI
VERSUS
STATE OF MAHARASHTRA PRINCIPAL SECRETARY
DEPARTMENT AND OTHERS

...
Advocate for the Petitioner : Shri Deshpande Gaurav L.
AGP for Respondents 1, 2, 3 and 6/State : Shri V.M. Kagne
Advocate for Respondents 4 and 5 : Shri Mukul Kulkarni
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 06th February, 2023

Per Court :-

1. The petitioner has been appointed as an Assistant Public Prosecutor, Group-A, vide the appointment order dated 24.03.2009, on probation for the period of two years. This examination was conducted by the Maharashtra Public Service Commission and after going through the entire rigours of the selection process, he was appointed. He is still said to be on probation, which shocks our judicial conscience. It is beyond comprehension as to how a candidate can be kept on probation

for almost 13 years and that too on the ground as to whether, he can be termed as “person with disability (no vision)”.

2. Issue notice to the respondents, returnable on 10.03.2023. This petition would appear in the urgent orders category. The learned AGP waives service of notice on behalf of respondent Nos.1, 2, 3 and 6. Shri Mukul Kulkarni, the learned advocate, who is on the panel of respondent Nos.4 and 5, is requested by us to take instructions. He has, therefore, caused an appearance and waived notice on behalf of respondent Nos.4 and 5.

3. The learned AGP conveys to us, in the light of the communication dated 02.02.2023 received by him from Mr.Sandip Pawar, Home Department, State of Maharashtra, that as there is a dispute as to whether, the petitioner is 40% blind or 30% blind, that it has been decided to refer his case to the Department of Social Justice and Special Assistance, for their guidance.

4. We expect the State to submit a specific reply on the point of law as to why should the petitioner not be deemed to have been granted permanency in service after completion of two years of probation period, especially in the backdrop of the

statement made by the petitioner that there have been no orders extending the probation period, which amounts to deemed permanency. In these circumstances, we direct that the services of the petitioner would not be dispensed with until further orders.

5. All office objections to be removed within five weeks.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)