

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO. 156 OF 2022**

**Rishab Murali } Petitioner  
versus  
State of Maharashtra and Anr. } Respondents**

Mr. Rohit Gupta with Mr. Umang Mehta and Mr. Amir Attari i/b. Taurus Legal for the petitioner.

Mr. Amit Shastri, AGP for State.

**CORAM: DIPANKAR DATTA, CJ &  
PRITHVIRAJ K. CHAVAN, J.**

**DATE : JANUARY 12, 2022**

**P.C.:**

1. The petitioner claims to be a fresh law graduate, intending to participate in the recruitment examination to be conducted by the Maharashtra Public Service Commission (hereafter "the Commission", for short) for appointment on the post of Civil Judge (Junior Division)/Judicial Magistrate (First Class). However, the petitioner is aggrieved because by the terms of the advertisement dated December 23, 2021 issued by the Commission, he is age-barred from offering his candidature.
2. It is the contention of the learned advocate for the petitioner that no advertisement was issued in December, 2020 because of the pandemic, as a result whereof he could not offer his candidature then; and the advertisement having now been issued on December 23, 2021, by this time, the petitioner has become age-barred. It is also contended that the General Administration Department of the Government of

Maharashtra, taking note of the situation arising out of the pandemic, has granted relaxation as regards age for recruitment in other services but without extending similar benefit for entry into judicial service. This, according to him, is discriminatory. Since the last date for applying is January 15, 2022, it is submitted that the petitioner would be losing the opportunity to compete as a fresh law graduate unless he is allowed to make an application and the same is directed to be considered by the Commission.

3. Appearng on behalf of the State, Mr. Shastri, learned AGP contends that an opportunity ought to be granted to file an affidavit-in-reply. It is also submitted by him that since the petitioner is admittedly age-barred, there is no question of granting him any interim protection today.

4. The Commission is yet to be served.

5. We have, however, heard the learned advocates for the parties. It is not in dispute that if the petitioner loses out this time on the opportunity to participate in the recruitment process initiated vide the advertisement issued by the Commission dated December 23, 2021, he would cease to be regarded as a fresh law graduate and be required to put in three years' practice as a lawyer and then only be eligible to make an application for being considered for appointment as Civil Judge (Junior Division)/Judicial Magistrate (First Class). However, sight cannot be lost of the fact that due to the pandemic, recruitment processes have been severely affected and that the contention of the petitioner of there being no advertisement issued by the Commission in the year 2020 is

not presently disputed. A strong *prima facie* case, thus, appears to have been set up by the petitioner for admission of the writ petition as well as for interim relief. We are also of the view that refusal to grant interim relief would work out more prejudice to the petitioner than the prejudice that would be caused to the respondents, if interim relief were granted. Having regard to the factors of sufferance of irreparable loss and injury as well as balance of convenience, we propose to and do permit the petitioner to apply for the post of Civil Judge (Junior Division)/Judicial Magistrate (First Class) in the manner required by the said advertisement, by January 15, 2022. If the petitioner is otherwise eligible, the Commission shall process his application and allow him to participate in the qualifying examination provisionally. Such participation shall, however, be without prejudice to the rights and contentions of the respondents in the writ petition and no equity shall be claimed by the petitioner at the time the writ petition is considered for final disposal.

6. Service of a copy of the writ petition be effected on the Commission by tomorrow.

7. We grant the respondents two weeks' time to file their affidavits-in-reply; rejoinder thereto, if any, may be filed by a week thereafter.

8. The writ petition shall be listed 'fairly high on board' for final disposal on **February 4, 2022**.

SALUNKE  
J V

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by SALUNKE J V  
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**(PRITHVIRAJ K. CHAVAN, J.)**

**(CHIEF JUSTICE)**