



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6574/2023

Nilesh Devidas Khutafale Vs. The State of Maharashtra and Anr.

.....
 Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders

Court's or Judge's order

.....
 Mr. S. S. Khadse, Advocate for Petitioner.

Mr. A. M. Deshpande, i/c. Government Pleader for Respondent Nos.1 & 2.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..
DATED : 29.09.2023

. The petitioner seeks recruitment on the post of Assistant Professor, Maharashtra Technical Education Service, Group-A pursuant to the advertisement dated 01.09.2023 and corrigendum dated 15.09.2023 that has been issued by the Maharashtra Public Service Commission. Ordinarily this prayer is required to be made before the Maharashtra Administrative Tribunal since the recruitment pertains to Maharashtra Engineering Education Service, Group-A.

2. The learned Counsel for the petitioner however submits that as per the corrigendum issued, the last date for submission of application forms is 03.10.2023 till 23.59. It is only by way of the communication dated 25.09.2023 that was issued by the Maharashtra Public Service Commission at 7.33 p.m. that the petitioner was informed that the qualifying age would be calculated as on 01.01.2024, which is contrary to the Government Resolution dated 03.03.2023.

3. Considering the fact that on 28.09.2023 as well as from 30.09.2023 to 02.10.2023 the Tribunal would not be

functioning on account of holidays, while relegating the petitioner to the remedy before the Maharashtra Administrative Tribunal, he is permitted to make an application in response to the advertisements dated 01.09.2023 and 15.09.2023 provisionally by treating his qualifying age to be reckoned as on 31.12.2023.

4. It is clarified that this *ad interim* direction is without prejudice to the rights and contentions of the respondents and all questions are kept open.

5. The petitioner would not be entitled to claim any equity on the basis of these directions and his application shall be treated as provisional in nature subject to outcome of the original application that would be preferred by the petitioner. The learned in-charge Government Pleader appearing for respondent No.2 to instruct the respondent No.2 accordingly.

6. The writ petition is disposed of with liberty to the petitioner to approach the Maharashtra Administrative Tribunal subject to what has been stated in this order.

7. Authenticated copy of this order be supplied to the learned Counsel for the respective parties to act upon.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)