

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**ORIGINAL APPLICATION NO.1160 OF 2024
WITH
ORIGINAL APPLICATION NO.1232 OF 2023
WITH
MISC. APPLICATION NO.472 OF 2024
WITH
MISC. APPLICATION NO.593 OF 2024
WITH
ORIGINAL APPLICATION NO.1245 OF 2024
WITH
ORIGINAL APPLICATION NO.1183 OF 2024
WITH
MISC. APPLICATION NO.492 OF 2024**

Nilesh S. Gaikwad.	... (OA No.1160/2024)
L.M. Koli & Ors.	... (OA No.1232/2023)
N.M. Jadhav & Ors.	... (MA 472/2024 in OA No.1232/2023)
S.K. Chaudhari & Ors.	... (MA 593/2024 in OA No.1232/2023)
S.R. Deshmukh & Ors.	... (OA.No.1245/2024)
B.B. Chavan & Ors.	... (OA.No.1183/2024 - A'bad with MA 492/2024 in OA No.1183/2024)

...Applicants

Versus

1. The State of Maharashtra & Ors. **...Respondents**

Shri A.S. Ovhal, Shri A.V. Bandiwadekar, Shri S.A. Walimbe in MA 472/2024, Shri M.M. Deshmukh and Shri V.Y. Patil (Through Video Conference), Advocates for Applicants.

Ms. S.P. Manchekar, Chief Presenting Officer for Respondent-State.

Shri Kiran Upasani, Advocate for MPSC.

**CORAM : Shri Debashish Chakrabarty, Member-A
Shri A.N. Karmarkar, Member-J**

DATE : **20.12.2024**
PER : **Shri Debashish Chakrabarty, Member-A**

ORDER

1. The Applicants in this 'Group of OAs' pray that the 'Higher Age Limit' for 'Limited Departmental Competitive Examination' which is held by MPSC for selection to posts of 'Police Sub-Inspector' be relaxed on the basis of GAD GR dated 03.03.2023 by which Age Relaxation of 2 years for appointment by way of 'Direct Recruitment' to various Government Posts in respect of all 'Public Examinations' which were to be conducted upto 31.12.2023 against backdrop of 'Covid-19 Pandemic' on the occasion of celebration of 'Amrut Mahotsav'.

2. The learned Advocates for Applicants stated that MPSC is conducting the 'Limited Departmental Competitive Examination' through stages of (a) 'Preliminary Examination' and (b) 'Main Examination' for selection to the posts of 'Police Sub-Inspectors' and on the basis of Advertisement dated 19.05.2023.

3. The learned Advocates for Applicants passionately argued that 'Limited Departmental Competitive Examination' for posts of 'Police Sub-Inspectors' which is held by MPSC is to be considered as an opportunity to in-service candidates of the 'Police Force' for accelerated promotion based on relevant rules framed under 'Article 309' of 'Constitution of India' or under 'Special Legislative' such as 'Bombay Police Act, 1951' which are applicable to Applicants in this 'Group of OAs'.

4. The learned Advocates for Applicants further strongly contended that MPSC had conducted the 'Preliminary Examination' under 'Limited Departmental Competitive Examination' for post of 'PSI' on 08.09.2023 and even though Applicants had crossed the 'Higher Age Limit' were permitted to appear for 'Preliminary Examination' by MPSC. However, after having been declared successful in 'Preliminary Examination', their

'Application Forms' for 'Main Examination' were not accepted by MPSC on the ground that they had crossed the higher age limit of 35 years for candidates from 'Open Category' with relaxation of age upto 40 years in respect of candidates from 'Backward Classes Category'.

5. The principle line of argument of learned Advocates for Applicants in this 'Group of OAs' was that they are to be treated at par with candidates who appeared for other 'Public Examinations' conducted by MPSC for 'Direct Recruitment' as per provisions of GAD GR dated 03.03.2023 which if not allowed will result in discrimination violative of 'Article 14' of the 'Constitution of India'.

6. The 'Rule 3(b)' of 'The Police Sub-Inspector (Recruitment) Rules, 1995' which are about selection to post of 'Police Sub-Inspectors' through 'Limited Departmental Competitive Examination' which is conducted by MPSC are as follows:-

“(b) by selection of persons working in the Police Force on the basis of the result of the limited departmental examination held by the Commission for appointment to the post of Sub-Inspector of Police for admission to which a candidate shall,-

(i) not be more than thirty-five years of age :

Provided that, relaxation of age of five years may be granted to candidates of Backward Classes and –

(ii) have completed a minimum regular service as Police Constable with educational qualifications as mentioned below.”

7. The next limb of argument made by learned Advocates for Applicants is that 'Limited Departmental Competitive Examination' provides an opportunity of 'Fast Track Accelerated Promotion' to Government Servants. Therefore, there can be no 'Higher Age Limit' as such channel of appointment to Government Posts is to be equated with Normal Promotion which is an entitlement of all Government Servants without any restriction on age and based on their Seniority and Merit. The arguments on these lines rather hyperbolic and sans any

understandable logic as 3 Options which are available for appointment to Government Posts by way of (a) 'Direct Recruitment, (b) 'Limited Departmental Competitive Examination' and (c) 'Normal Promotion'. If this line of argument as passionately espoused by learned Advocates of Applicants in this 'Group of OAs' were to be accepted, they would certainly destroy the Basic Features of differences in Two Channels of promotion which is available to Government Servants. The 'Limited Departmental Competitive Examination' lays much emphasize to the word 'Selection' which means 'Selection by Merit'. Whereas on the other hand, Normal Promotion is granted to eligible Government Servants primarily based on their Seniority and Merit. Hence, these 2 Channels of Promotion cannot be interpolated although admittedly there can never be any 'Higher Age Limit' for Normal Promotion.

8. The learned Advocates for Applicants in this 'Group of OAs' had drawn attention to various provisions of Instructions to Candidates published by MPSC and 'Scheme of Examination' for 'Limited Departmental Competitive Examination' framed by MPSC on 06.11.2022 to contend that decision to prevent the Applicants in this group of OAs from appearing for 'Main Examination' to be held on 29.12.2023 would be arbitrary given the fact that the verification of 'Higher Age Limit' and other credentials of candidates should have completed before MPSC *suo-motu* allowed them to sit for Preliminary Examination and if it can be made by MPSC at any time during the entire process of Examination as relied upon by learned Special Counsel for 'MPSC', then in all fairness, this be done after 'Main Examination' to be conducted on 29.12.2024.

9. The learned Advocates for Applicants cited the precedence case of recruitment to some posts of Municipal Corporation of Greater Mumbai (MCGM) where relaxation of 'Higher Age Limit' has been granted based on GAD GR dated 03.03.2023 and sought parity in respect of Applicants in this 'Group of OAs' who seek appointment to post of 'Police Sub-Inspector'. However, it is necessary to observe here that in

Advertisement dated 19.05.2023, there is reference of age limit and therefore this precedence cited cannot become norm to conduct 'Limited Departmental Competitive Examination' especially in respect of posts under the State Government including Police Department, as there are Recruitment Rules which are framed under 'Article 309' of 'Constitution of India' under 'Special Legislation' such as 'Bombay Police Act, 1951'.

10. In support of their case, the learned Advocates for Applicants relied on following Judgments :-

- (i) Deoraj Vs. State of Maharashtra & Ors. (Civil Appeal No.2084 of 2004) decided by Hon'ble Supreme Court of India on 06.04.2004;
- (ii) Bedanga Talukdar Vs. Saifudaullah Khan & Ors. : (2011) 12 SCC 85;
- (iii) Uttar Pradesh Power Corporation Ltd. Vs. Ayodhya Prasad Mishra & Anr. : (2008) 10 SCC 139;
- (iv) All India Sainik Schools Employees' Association Vs. Defence Minister-cum-Chairman Board of Governors, Sainik Schools Society, New Delhi & Ors. : (1989 Supp. (1) SCC 205);
- (v) O.A.Nos.695 & 856 of 2016 (Pankaj R. Borse & Ors. Vs. State of Maharashtra & Ors.) decided by this Tribunal on 27.09.2016;
- (vi) O.A. Nos.204 of 2021 with other connected matters (Bhanudas B. Nimgire & Ors. Vs. State of Maharashtra & Ors.) decided by this Tribunal on 30.11.2021.
- (vii) O.A.Nos.444 & 446 of 2017 (Harishchandra L. Jadhav Vs. State of Maharashtra) decided by this Tribunal on 28.07.2017;
- (viii) O.A.No.240 of 2016 (Shivraj R. Rathod Vs. District Collector, & Ors.) decided by this Tribunal on 18.11.2016.

11. The subject of relaxation of 'Higher Age Limit' specifically with respect to 'Limited Departmental Competitive Examination' which are conducted by MPSC for posts of 'Police Sub-Inspectors' has been dealt with at least by **Hon'ble Bombay High Court in Writ Petition No.6631/2017 (Sushant S. Salvi Vs. State of Maharashtra & Ors.) dated 20.09.2017** based on GAD GR dated 25.04.2016 about relaxation

of 'Higher Age Limit'. The elaborate observations of Hon'ble Bombay High Court are reproduced below :-

“31. The latest G.R. issued in this respect is that of 25th April 2016. This G.R. is also titled as "for enhancement of the age-limit for entry into Government service". This G.R. gives a reference to the earlier G.R. dated 28th October 1992 and it further states that the age-limit prescribed in the G.R. dated 28th October 1992 of "30" years and "35" years, respectively, for 'open' and 'reserved' category candidates was enhanced to "33" and "38" years, respectively, by G.R. dated 17th August 2004 and now in view of the demand received from the various quarters, the said age-limit is now enhanced to "38" years and "43" years, respectively, for entry into Government service.

32. Thus, this G.R. dated 25th April 2016, which is issued in pursuance of the Maharashtra Civil Services (Provision of Upper Age-Limit for Recruitment by Nomination) Rules, 1986, framed by the State Government in exercise of the powers conferred by the Proviso to Article 309 of the Constitution, abundantly make it clear that these Rules, which were for 'recruitment by nomination' are, therefore, applicable, as stated in this G.R. itself, for 'recruitment for entry into Government service'.

33. As a matter of fact, all these three GRs, which are, chronologically, dated 28th October 1992, 17th August 2004 and 25th April, 2016, make it clear that, these GRs were issued under the Maharashtra Civil Services (Provision of Upper Age-Limit for Recruitment by Nomination) Rules, 1986, framed by the State Government in exercise of the powers conferred by the 'Proviso' to Article 309 of the Constitution. By these GRs, the age-limit of "28" and "30" years, respectively, is enhanced to "30" and "35" years; thereafter, to "33" and "38" years; and, lastly, to "38" and "43" years. However, this enhancement in the age-limit is only for 'Direct Recruitment' at the time of initial entry in Government Service. The very title of these GRs and their opening paragraphs make it clear that these GRs were issued for fixing the upper age-limit for entry into Government Service. Hence, it necessarily follows that these GRs cannot be made applicable to the 'in-service' candidates, whose "selection" is made by 'Limited Departmental Competitive Examinations'.

34. In this case, admittedly, the recruitment in question was only for the 'in-service' candidates by way of their promotion to the post of "Police Sub-Inspector" through 'Limited Departmental Competitive Examinations'. The Advertisement issued for the said recruitment, which is produced at page No.36 in Writ Petition No.6631 of 2017, is more than clear to that effect. It states that this 'Limited Departmental Competitive Examination' is being held for the post of "Police Sub-Inspector" for selection from those who are working in the Police Department as 'Assistant Police Inspector', 'Police Constable', 'Police Naik', or, 'Police Constable'. Therefore, it is for 'in-service' candidates for their promotion by 'Limited Departmental Competitive Examination' and not for entry into Government Service by way of 'Direct Recruitment'.

Therefore, G.R. dated 25th April, 2016 cannot be made applicable to this recruitment.

35. In this respect, it would be useful to refer to 'Section 5' of the Maharashtra Police Act, 1951, which provides for 'Constitution of Police Force'. Clause (b) of the said section provides that, 'the recruitment, pay, allowances and other conditions of service of the members of the Police Force shall be such, as may, from time to time, be determined by the State Government by general or special order'.

36. In pursuance of Section 5(b) of the Act, the State of Maharashtra has, from time to time, framed the Rules for recruitment to the 'Police Force'. The relevant Rules are "The Police Sub-Inspector (Recruitment) Rules, 1995", which are lastly amended on 9th March, 1999. Rule 3 thereof provides 'three modes for appointment to the post of "Police Sub-Inspector"'. Rule 3(a) provides for 'appointment by way of promotion from suitable persons on the basis of seniority'. Rule 3(b) provides for 'selection of persons working in 'Police Force' on the basis of result of the 'Limited Departmental Competitive Examination' held by the Commission for appointment to the post of "Police Sub-Inspector"'. Rule 3(c) provides for 'appointment by nominations on the basis of Competitive Examinations held by the Commission and for appointment to which candidates shall not be less than 19 years and/or more than 28 years'.

37. As regards appointment by promotion, under clause :

(a) or, by selection by way of 'Limited Departmental Competitive Examination', as provided in clause (b), the age- limit is prescribed to be not more than "35" years for 'open' category candidate, with relaxation of "5" years for candidates belonging to 'reserved' category.

38. In this case, as, admittedly, the recruitment is made under Rule 3(b) by way of promotion of 'in-service' police persons, like 'Assistant Sub-Inspector', 'Head Constable', 'Police Naik' and 'Police Constable', on the basis of the results of 'Limited Departmental Competitive Examination', it follows that the prescribed age-limit is not more than "35" years for 'open' category candidates, with relaxation of "5" years for candidates belonging to 'reserved' category.

39. Now the question for consideration is, 'whether the G.R. dated 25th April, 2016, issued by the Government can be made applicable to this recruitment of "Police Sub-Inspector" from in-service candidates by 'Limited Departmental Competitive Examinations'; especially, when specific Rules are framed for their promotion prescribing certain age-limit?

50. Thus, in the first place, G.R. dated 25th April, 2016, is applicable only for 'Direct Recruitments' at the initial entry in the Government Service. It is not applicable to selection of 'in- service' candidates by way of promotion, as in the present case. Secondly, having regard to the nature and condition of the Service Conditions of the 'Police Force', as the Police Sub- Inspector (Recruitment) Rules, 1995, framed under

the Maharashtra Police Act, prescribe the age-limit for appointment to the post of "Police Sub-Inspector" by 'Limited Departmental Competitive Examination' and these Rules prescribe the age-limit of "35" and "40" years, respectively; therefore, the G.R. dated 25th April, 2016, which is an executive fiat and issued in pursuance of the 'Proviso' to Article 309 of the Constitution, cannot override these Rules, which are statutory. Hence, on both these grounds, the impugned Judgment and Order of the Tribunal, applying this G.R. dated 25th April, 2016, for the present recruitment process, cannot be called as legal and valid. Hence, it needs to be set aside."

12. The ***Hon'ble Bombay High Court in Writ Petition No.6631/2017 (Sushant S. Salvi Vs. State of Maharashtra & Ors.) decided on 28.09.2017*** having been deeply analyzed the subject of relaxation of 'Higher Age Limit' for 'Limited Departmental Competitive Examination' for posts of 'Police Sub-Inspectors' has come to unequivocal conclusion, which are reproduced below :-

"56. It is held that, G.R. dated 25th April 2016, enhancing the age-limit to "38" and "43" years for 'open' and 'reserved' category candidates is not applicable for the present recruitment of 'in-service' candidates to the post of "Police Sub- Inspector" by way of 'Limited Departmental Competitive Examination'."

13. The Hon'ble Bombay High Court has therefore completely ruled out any consideration of arguments made by learned Advocates for Applicants in this 'Group of OAs' to extend them the benefit of relaxation of 2 Years for 'Higher Age Limit' fixed at 35 years for candidates from 'Open Category' and 40 years for candidates of 'Backward Class Categories' based on executive decisions which in the present case by way of GAD GR dated 03.03.2023 issued against backdrop of 'Covid-19 Pandemic' on the occasion of celebration of 'Amrut Mahotsav'.

14. The learned Special Counsel for MPSC affirmatively argued against the submissions of learned Advocates for Applicants in this 'Group of OAs' by referring Specific Provisions in Para Nos.1.4, 1.4.2 and 1.4.3 of 'MPSC Rules of Procedure' as well as following contents of 'Instructions to Candidates' framed thereunder with respect to 'Limited Competitive

Departmental Examination specifically for posts of 'Police Sub-Inspectors' Scheme of Examination published on 06.01.2022, which are reproduced below :-

(a) The provisions of Para 1.4; Para 1.4.2 and Para 1.4.3 if the Instructions to Candidates read as follows :-

“१.४.२ अर्जात दिलेल्या माहितीच्या आधारे उमेदवारास लेखी परीक्षा/मुलाखत/शारीरिक चाचणी/प्रमाणपत्र पडताळणीसाठी तात्पुरते पात्र समजण्यात येईल. मुलाखत/शारीरिक चाचणी/शिफारशीच्या/नियुक्तीच्या अगोदर कोणत्याही टप्प्यावर अर्जामध्ये दिलेली पात्रतेविषयक माहिती मूळ कागदपत्रांच्या/प्रमाणपत्रांच्या आधारे तपासण्यात येईल व त्याच्या आधारे पात्र आढळून आल्यानंतरच उमेदवारास पुढील संधी देण्यात येईल.

१.४.३ अर्जामधील सर्व माहितीची अथवा दाव्यांची सत्यता तपासण्यासाठी आवश्यक कागदपत्रांचा पुरावा आयोगाच्या सूचनेनुसार, कोणत्याही टप्प्यावर सादर करणे आवश्यक राहिल. परीक्षेपूर्वी, परीक्षेनंतर, मुलाखतीपूर्वी अथवा त्यानंतर अन्य कोणत्याही टप्प्यावर कागदपत्रांची पडताळणी करण्यात येईल.

“सर्वसाधारण सुचनेतील तरतूद १.४ अर्जामधील दाव्यांसंदर्भात सूचना मध्ये १.४.२ अर्जात दिलेल्या माहितीच्या आधारे उमेदवारास लेखी परीक्षा/मुलाखत/शारीरिक चाचणी/प्रमाणपत्र पडताळणीसाठी तात्पुरते पात्र समजण्यात येईल. मुलाखतधारीरिक चाचणी/शिफारशीच्या/नियुक्तीच्या अगोदर कोणत्याही टप्प्यावर अर्जामध्ये दिलेली पात्रतेविषयक माहिती मूळ कागदपत्रांच्या/प्रमाणपत्रांच्या आधारे तपासण्यात येईल व त्याच्या आधारे पात्र आढळून आल्यानंतरच उमेदवारास पुढील संधी देण्यात येईल. १.४.३ मध्ये अर्जामधील सर्व माहितीची अथवा दाव्यांची सत्यता तपासण्यासाठी आवश्यक कागदपत्रांचा पुरावा आयोगाच्या सूचनेनुसार कोणत्याही टप्प्यावर सादर करणे आवश्यक राहिल. परीक्षेपूर्वी, परीक्षेनंतर, मुलाखतीपूर्वी अथवा त्यानंतर अन्य कोणत्याही टप्प्यावर कागदपत्रांची पडताळणी करण्यात येईल.

(b) The Provision of Para No.6.1.6 and Para 6.1.6 (5) of the 'Scheme of Examination' published on 06.01.2022 are reproduced below :-

“परीक्षा योजनेतील ६.१.६ पूर्व परीक्षेचा निकाल मध्ये ६.१.६ (५) मध्ये पूर्व परीक्षा ही मुख्य परीक्षेच्या प्रवेशाकरिता उमेदवारांची संख्या मर्यादित करण्याच्या दृष्टीने घेण्यात येणारी चाळणी परीक्षा असल्यानं मुख्य परीक्षेच्या प्रवेशासाठी पात्र न ठरलेल्या उमेदवारांच्या उत्तरपत्रिकांची फेरतपासणी केली जात नाही अथवा यासंदर्भातील कोणत्याही प्रकारच्या अभिवेदनावर कार्यवाही केली जात नाही.”

(c) The Provision of Para No.7.7, Para 7.7(2) Para 7.7(3) and 7.7(4) of the 'Scheme of Examination' dated 06.01.2022 are reproduced below :-

“परीक्षा योजनेतील तरतूद क्रमांक ७.७ प्रमाणपत्र पडताळणी -

७.७(२) प्रमाणपत्र पडताळणीस पात्र ठरणार्या उमेदवारांची पात्रता, जाहिरातध्यासन परिपत्रकातील अर्हता/अटी व शर्तीनुसार मूळ प्रमाणपत्रांच्या/कागदपत्रांच्या आधारे तपासली जाईल.

७.७(३) अर्जातील दाव्यानुसार मूळ कागदपत्र सादर करणार्या उमेदवारांची प्रमाणपत्र पडताळणी केला जाईल.

७.७(४) विहित कागदपत्रे सादर करु न शकणार्या उमेदवारांची उमेदवारी रद्द करण्यात येईल तसेच त्याकरिता कोणतीही मुदतवाढ देण्यात येणार नाही.’’

(d) The learned Special Counsel for MPSC highlighted Provision No.9.6.7 of the said Advertisement No.052/2023 dated 19.05.2023 which is reproduced below :

“९.६.७ अजांमध्ये नमूद केलेल्या माहितीच्या आधारे जाहिरातीमधील विहित अर्हतेबाबतच्या अटींची पूर्तता करतात असे समजून पात्रता न तपासता आयोगाकडून उमेदवारांना तात्पुरता प्रवेश दिला जाईल. परंतु परीक्षेपूर्वी अथवा परीक्षेनंतर कोणत्याही टप्प्यावर उमेदवाराने अर्जात नमूद केलेली माहिती चुकीची वा खोटी असल्याचे अथवा उमेदवार विहित अर्हतेची पूर्तता करीत नसल्याचे आयोगास आढळल्यास अशा उमेदवारांची उमेदवारी कोणत्याही टप्प्यावर रद्द करण्यात येईल आणि त्याबाबतचा आयोगाचा निर्णय अंतिम राहिल’

The learned Special Counsel for MPSC thus affirmatively negated the arguments advanced by learned Advocates for Applicants in this group of OAs. MPSC is empowered to ascertain the eligibility of candidate at any stage before selection in view of Clause 1.4.2 of ‘MPSC (Procedure) Rules, 2014’.

15. The learned CPO emphatically argued that granting any relaxation in the ‘Higher Age Limit’ to Applicants in this ‘Group of OAs’ for upcoming ‘Main Examination’ under ‘Limited Departmental Competitive Examination’ for posts of ‘Police Sub-Inspectors’ would reinforce elements of ‘Sympathetic Consideration’ to relax to ‘Higher Age Limit’ and other Eligibility Criteria which are embedded in ‘The Police Sub-Inspectors (Recruitment) Rules 1995’ framed under ‘Section 5’ of ‘Special Legislation’ which is ‘The Bombay Police Act 1951’.

16. The learned CPO relied on contents of ‘Short Affidavit-in-Reply’ dated 12.12.2024 filed on behalf of ‘Home Department’ dated 12.12.2024 to address certain nuances which have emerged due to Applicants had been suo-motu allowed by MPSC to appear for ‘Preliminary Examination’ conducted on 08.09.2023. She relied completely on the aforesaid Judgment in **Sushant S. Salvi** (cited supra) to stress that there is no scope left whatsoever to consider any relaxation in ‘Higher Age Limit’ which are fixed under ‘Police Sub-Inspectors (Recruitment) Rules, 1995’

by leaning on progressive Policy Decision such as GAD GR dated 03.03.2023 which was taken only in respect of only Direct Recruitment and extrapolate its benefits to Applicants in this 'Group of OAs' who seek to appear for 'Main Examination' under 'Limited Departmental Competitive Examination' proposed to be conducted by 'MPSC' on 29.12.2024.

17. The learned CPO relying on Home Department by its 'Affidavit-in-Reply' dated 12.12.2024 and learned Special Counsel of MPSC relying on 'Affidavit-in-Reply' dated 09.12.2024 have comprehensively addressed the query made by us from in 'Para 3' of Order dated 04.12.2024.

18. The arguments on either side were considered at length especially in context of directions in 'Para 3' of Order dated 04.12.2024 in this 'Group of OAs', which is reproduced below :-

"3. It is the query from Bench to clarify, as per the Rules or provisions at what stage the eligibility of the candidates is to be tested; whether at the inception i.e. before Preliminary Examination post qualifying Preliminary Examination. Among other issues we expect M.P.S.C. to respond on this issue which we think to be crucial. Though learned Counsel Mr. Bandiwadekar resisted for longer adjournment, we see no exceptional urgency to keep the matters rolling tomorrow or day after tomorrow. We are quite aware that the examination is scheduled on 29.12.2024, hence, we adjourn matters to 10.12.2024 so that Respondents shall prepare with the queries and would ably address the issue."

19. The Small Window which does seem to exist for grant of relaxation to 'Higher Age Limit' for posts of 'Police Sub-Inspectors' when they are to be filled by 'Limited Departmental Competitive Examination' and special circumstances so warrants, then it can be available to only those who have not been able to avail Three Consecutive Chances due to 'Non-Conduct' of 'Limited Departmental Competitive Examination' by MPSC in the years prior to their crossing of 'Higher Age Limit'. Such an opportunity which may be rarely available albeit rarely is provided since

'Police Sub-Inspectors Recruitment (Amendment) Rules, 2008' which came into effect from 14.12.2008 which is as under :-

"Provided also that, if the candidates, do not get three consecutive chances before exceeding age limit due to non-conduct of limited departmental examination in any year, such candidates shall be given remaining number of chances to appear for next consecutive examinations. The total number of chances shall not however exceed more than three."

20. The reasons why we are constrained to reject the prayers of Applicants in this 'Group of OAs' even as we sympathize with their cause is that grievance about relaxation of 'Higher Age Limit' of 35 Years for candidates from 'Open Category' and upto 40 Years for candidates from 'Backward Class Categories' cannot be addressed within the ring fenced limited space carved out by (a) 'MPSC Rules of Procedure 2016', (b) 'Police Sub-Inspectors (Recruitment) Rules 1995 of Home Department' and (c) 'Hon'ble Bombay High Court Judgment in **Sushant S. Salvi** (cited supra). The Applicants failed to establish *prima-facie* case. The citations referred by the Applicants are not helpful to the present Applicants for the reasons stated above. Hence, 'Interim Relief' as claimed in OA No.1160/2024, OA No.1232/2023 with MA No.472/2024 with MA No.593/2024, OA No.1245/2024 and OA No.1183/2024 with MA No.492/2024 stand rejected.

21. S.O. to 15th January, 2025.

Sd/-
(A.N. KARMARKAR)
Member-J

Sd/-
(DEBASHISH CHAKRABARTY)
Member-A