

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

WRIT PETITION NO.1495 OF 2026

1. Raju Dhondiram Akrupe, Age 46 years,
R/o.B-2/501, Vihang Garden,
Opp.Raymond Gate, Pokhran Road No.1,
Thane (West).
2. Sachin Narayanrao Dalvi, Age 44 years,
R/o.Plot No.15, Survey No.903,
Ganesh Bangala, Chetana Nagar,
CIDCO Colony, Nashik-422009.
3. Ravindra Muralidhar Bandarkar,
Age 47 years, R/o.Flat No.102,
G-FIR Wing, Anmol Nayantara City No.1,
Durvankur Lawns, Tidake Colony,
Govind Nagar, Nashik-422 008.
4. Sachin Kashinath Kotapkar, Age 47 years,
R/o.Flat No.A/19, Sanjivani Samrat CHS,
Nadivali Cross Road, Near D.N.C.School,apeal
Dombivali (East), Thane-421201.

Petitioners

Versus

1. The State of Maharashtra through
Principal Secretary, Urban Development Deptt;
Mantralaya, Mumbai.
2. The Commissioner,
Navi Mumbai Municipal Corporation,
Sector-15A, CBD Belapur,
Navi Mumbai-400614.

Respondents

Mr.Sandeep S.Dere with Mr.Aarti Patil Dere i/by Ms.Anshu Agrawal for
Petitioners.

Mr.Rohit Sakhadeo for Respondent no.2 NMMC.

Mr.A.I.Patel, Additional Govt.Pleader with Mr.VB.G.Badjugar, AGP, for
Respondent-State.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 15th July 2026

ORAL JUDGMENT – (Per : Aarti Sathe, J.) :-

1. This petition under Article 226 of the Constitution of India has been filed praying for the following substantive reliefs: -

a) This Hon'ble Court may kindly be pleased to direct the Respondent No.2 provide upper age relaxation to the present Petitioners for the post of Assistant Commissioner published in the advertisement dated 13.12.2025 in terms of rule 10 of the Maharashtra Civil services (General Conditions of Services) Rules 1981 wherein the alongwith saving of the age limit prescribed in the Maharashtra Civil Services Classification and Recruitment Rules (i.e Bombay Civil Services Classification and Recruitment Rules) prescribed the age limit for recruitment to Government service as provided in the provision of the GR dated 25.04.2016 which is issued under the Maharashtra Civil Services (Provision of Upper Age for Recruitment by Nomination) Rules 1986.

b) This Hon'ble Court may kindly be pleased to hold and declare that the action of the Respondent No.2 for not incorporating the clause of the upper age limit not applicable to Government Servant in the advertisement dated 13.12.2025 for the post of Assistant Commissioner is illegal and unconstitutional as the same is in contravention of the rule 10 of the Maharashtra Civil services (General Conditions of Services) Rules 1981.

2. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

3. The reliefs as sought for in the present petition are in respect of a direction to be issued to Respondent No.2 to provide upper age relaxation to the Petitioners for the post of Assistant Commissioner published in the advertisement dated 13th December 2025 in terms of Rule 10 of the Maharashtra Civil Services (General Conditions of Services) Rules 1981 (hereinafter referred to as the “**Rules of 1981**”). which are also known as Bombay Civil Services (Classifications and Recruitment) Rules 1939, wherein alongwith saving of the age limit prescribed in the aforesaid Rules, the age limit for recruitment in Government services was prescribed as per

Government Resolution (GR) dated 25th April 2016 and further that the advertisement dated 13th December 2025 issued by Respondent No.2 is in contravention of Rule 10 of the Rules of 1981.

4. The facts lie in a narrow compass

i. On 1st September 1939, the Bombay Province of British India, published the Bombay Civil Services (Classifications and Recruitment) Rules 1939 (hereinafter referred to as “**Rules of 1939**”) under the Government of India Act 1935 to regulate the classification and method of recruitment to the services and post for which the Government of Bombay was competent to make the rules. Rule 7 of the Rules of 1939, laid down qualifications in respect of age and education of the candidates for appointment in the Government services and Note 3B under the said Rule 7 carved out an exception in case of a Government Servant wherein it was stated that there shall be no upper age limit for the Government Servant.

ii. After independence, the State of Bombay framed the Bombay Civil Services Rules, 1959 (hereinafter referred to as the “**Rules of 1959**”) under Article 309 of the Constitution of India. Rule 32 of the Rules of 1959, preserved the age limit prescribed under the Rules of 1939 and also prescribed the age limit for appointment in superior pensionable services.

iii. Following the reorganization of the erstwhile Bombay State into Maharashtra State and Gujarat State, the Government of Maharashtra codified the Rules of 1959 and issued eight set of rules, of which the relevant one in the present petition is the Rule 10 of the Rules of 1981, saved the age limit prescribed under the Rules of 1959 for recruitment to pensionable services.

iv. On 21st January 1986, the Government of Maharashtra framed Maharashtra Civil Services (Provision of Upper Age limit for Recruitment by Nomination) 1986 (hereinafter referred to as the “**Rules of 1986**”) under Article 309 of the Constitution of India and prescribed the upper age limit of 28 years for candidate belonging to Open Category and 33 years for the candidate belonging Backward Classes for the purpose of recruitment by nomination in the Government service other than the Government Servants. These limits were subsequently enhanced to 30 years and 35 years respectively by Government Resolution (GR) dated 28th October 1992.

v. On 1st November 2003, the Government of Maharashtra issued the GR under the Rules of 1939 vide which it was clarified that Note 3B of Rule 7 grants complete exemption to Government servants from the upper age limit for appointment through nomination.

vi. On 17th August 2004, pursuant to the GR dated 28th October 1992 issued under the Rules of 1986, the Government of Maharashtra enhanced the upper age limit for recruitment by nomination, other than the Government Servants, to 33 years for Open category candidates and 38 years for candidates belonging to backward category.

vii. On 25th April 2016, pursuant to the GR dated 28th October 1992 issued under the Rules of 1986, the Government of Maharashtra, subsequently enhanced the upper age limit for recruitment by nomination, other than the Government Servants, to 38 years for Open category candidates and 43 years for candidates belonging to backward category.

viii. On 30th March 2021, Respondent No.2 framed Navi Mumbai Municipal Corporation Services (Recruitment to Services and Classification of Services) Rules, 2021 (hereinafter referred to as the “**NMMC Service Rules 2021**”) which were approved by Respondent No.1 through a GR in which was specifically mentioned in Rule 5.4 of NMMC Service Rules 2021 that for appointment to any post in the Navi Mumbai Municipal Corporation (for short “**NMMC**”), by nomination the minimum age limit will be 18 years and maximum age limit would be specified in the prevailing rules of the Government of Maharashtra and GRs issued from time to time in that regard.

ix. On 30th December 2021, the Government of Maharashtra by a notification of even date under Article 309 of the Constitution of India amended Rule 10 of the Rules of 1981 by changing its heading from “Age limit for Recruitment to Pensionable Services” to “Age limit for Recruitment to Government Services” following the abolition of the old pension scheme.

x. The amended Rule 10 of Rules of 1981 retained the age limits prescribed under Rules of 1939 while prescribing the age limits for retirement for Government services consistent with the GR dated 25th April 2016.

xi. The Petitioner was appointed as a “Food Inspector” under the Prevention of Food Adulteration Act, 1954 and pursuant to the enactment of the Food Safety and Standards Act 2006, the post was redesignated to “Food Safety Officer”. Petitioner Nos. 2 and 3 were initially appointed as Assistant Motor Vehicles Inspectors and were subsequently promoted to the post of Motor Vehicle Inspectors.

xii. On 13th December 2025, Respondent No.2 published the advertisement for three categories of post including the post of Assistant Commissioner in which the Petitioner qualifies, wherein Rule 10 as contemplated under Rules of 1981 granting exemption from upper age limit to Government servants was not incorporated.

xiii. On 2nd January 2026, Respondent No.2 issued an announcement in relation to the aforesaid advertisement dated 13th December 2025 extending the application period from 5th January 2026 to 4th February 2026 and from 20th January 2026 to 19th February 2026. It is in the backdrop of the aforesaid Rules, GR's and the advertisement dated 13th December 2025 that the Petitioner has filed the present petition.

5. Mr. Sandeep Dere along with Ms. Aarti Patil Dere instructed by Mr. Anshu Agarwal appeared on behalf of the Petitioner. Mr. Rohit Sakhadeo appeared for Respondent No.2 NMMC and Mr. A.Z. Patel, Additional Government Pleader along with Mr. V.G. Badgujar appeared, Assistant Government Pleader appeared for Respondent No.1 - State

6. Learned counsel Mr Sandeep Dere appearing on behalf of the Petitioner submitted that the Petitioner was eligible and entitled for age relaxation as a statutory right in terms of Note 3B under Rule 7 of the Rules of 1939 which prescribed the qualification in age and education that had to be possessed by the candidates for admission to the provincial and subordinate services vide which an exception was carved out in the case of a Government Servant specifying that the said age limit would not be applicable the Government Servant. He further

submitted that the requirement of the age limit prescribed under the Rules of 1939 was saved by Rule 32 of the Rules of 1959 and thereafter saved by Rule 10 of the Rules of 1981. He also submitted that the Government of Maharashtra through GR dated 1st November 2003 had categorically specified that Note 3B under Rule 7 of the Rules of 1939 had to be interpreted in such a manner that the upper age limit for Government servants was completely exempted.

7. He also submitted that the Rules of 1986 regulating the upper age limit for candidates exempted Government Servants and the GR's dated 28th October 1992, 17th August 2004 and 25th April 2016 were issued in respect of increasing the age limit for recruitment through nomination for candidates other than Government servants.

8. He further submitted that under Rule 10 of the Rules of 1981, the said exemption was granted to Government servants and there was no upper age limit prescribed. He also submitted that the NMMC Service Rules 2021 in Rule 5.4 provided that for appointment to any post in the Municipal Corporation by nomination the maximum age limit would be specified in the prevailing rules of the Government of Maharashtra and the GRs issued from time to time and therefore considering the aforesaid, Rule 10 of the Rules of 1981 was applicable to the appointment to any post in the NMMC in respect of the age limit and the relaxation provided therein. It was therefore his submission that the advertisement dated 13th December 2025 issued by NMMC which did not specify the exemption as contained in Rule 10 of the Rules of 1981 was in complete contravention of all the rules framed by the Government of Maharashtra and also Rule 5.4 of the

NMMC Service Rules 2021. He therefore submitted that the Respondent No.2 be directed to provide the upper age relaxation to the present Petitioners for the post of Assistant Commissioner as published in advertisement dated 13th December 2025 in terms of Rule 10 of the Rules of 1981 and also declare that the action of Respondent No.2 in not incorporating the upper age limit in the advertisement dated 13th December 2025 for the post of Assistant Commissioner is illegal and unconstitutional as the same was in contravention of Rule 10 of the Rules of 1981.

9. *Per contra*, learned counsel Mr. Sakhadeo appearing on behalf of Respondent No.2 has sought to place reliance on the affidavit-in-reply dated 10th February 2026 filed by one Mr. Kisanrao Palande, Deputy Commissioner, General Administrative Department, NMMC and sought to contend that the present petition is misconceived and the advertisement issued by NMMC is perfectly valid and does not contravene Rule 10 of the Rules of 1981. He further submitted that the Petitioner had completely misinterpreted the issue of applicability of GR dated 1st November 2003 issued by the General Administrative Department, Government of Maharashtra, inasmuch as the said GR provided for relaxation of age limit only in respect of post which require few years of experience. He submitted that in the facts of the present case there were no such conditions mentioned in the advertisement dated 13th December 2025 about work experience for the subject “vacant posts” for which the Petitioners were eligible/applying.

10. He further submitted that though Rule 5.4 of the NMMC Service Rules 2021 categorically specified that GRs and Government policies would govern the age limit, the advertisement dated 13th December 2025 specified the age limit

which was relevant in case of the Petitioners. He therefore submitted that Petitioners claim was not valid and that the petition deserves to be dismissed. Relevant paragraphs of the affidavit-in-reply dated 10th February 2026 are reproduced below:

4. I say that, on the date of issuance of advertisement, the Navi Mumbai Municipal Corporation Services (Recruitment to services and classification of services) Rules 2021 were and are still in operation and are applicable to Navi Mumbai Municipal Corporation. The copy of relevant pages of the same are already annexed by the Petitioner as part of Exhibit G to the Petition.

5. The relevant rule for dealing with the subject matter involved in the Petition is Rule No. 5.4. It is pertinent to note that, in view of the said Rule No.5.4 (regarding age limit), it is clear that, the government resolution/s and government policy will be governing the conditions regarding age limit in that behalf.

6. In the present advertisement, the relevant post are 5 posts of Assistant Commissioner, Group-B which are to be recruited in the manner and terms and conditions more particularly mentioned in the impugned advertisement dated 13/12/2025 published on 14/12/2025.

7. The Petitioner has completely misinterpreted the issue of applicability of government circular dated 01/11/2003 issued by GAD, Government of Maharashtra. The copy of the said circular is already annexed to the Petition. The perusal of the said circular itself makes it clear that, the provision for relaxation of age limit which is mentioned in the bottom part of first paragraph of the circular is applicable for such posts which require few year's experience, there is no condition in the advertisement about work experience for the subject 5 sanctioned vacant posts of Assistant Commissioner, Class-2 as mentioned in the circular dated 01/11/2003 issued by GAD, Government of Maharashtra. Hence, the Petitioner's contention in the Petition regarding claim of applicability of age limit relaxation on the basis of said circular is misplaced, misconceived and not applicable in the present case.

8. The copy of the said G.R. dated 25/04/2016 is already part of the Exhibit F of the Petition. The said G.R. is not violated in the present case by the Corporation.

9. I further say that, there is a clarity in Rule No.5.4 (age limit) of the Navi Mumbai Municipal Corporation Services (Recruitment to services and classification of services) Rules 2021. The advertisement condition regarding age limit (annexed to the Petition) is also very clear.

10. The petitioner had also filed writ petition 6371 of 2023 which was dismissed by order dated 26/5/2023 passed by this Hon'ble court. Hereto annexed as Exhibit R-1 copy of order dated 6371 of 2023 passed in writ petition 6371 of 2023. Issue was regarding age relaxation though Navi Mumbai Municipal Corporation was not party to that petition. The said petition was dismissed.

11. Without prejudice to the above submissions, it is most respectfully submitted that, there is no arbitrariness in the age limit conditions mentioned in the advertisement. Age limit relaxation in the present case and facts cannot be claimed by the Petitioners as a matter of right. There is no illegality in the impugned

condition of Corporation's advertisement. Hence, the Petitioners are not entitled for seeking a writ or mandamus or any other writ against the Corporation.

12. I say that Navi Mumbai Municipal Corporation has also not violated latest provision contained in rule no.10 of Maharashtra Civil Services (General Conditions Of Services) Rules 1981 updated upto 30/12/2021. Hereto annexed as Exhibit R-2 is copy of latest rule no.10 of Maharashtra Civil Services (General Conditions Of Services) Rules 1981 updated upto 30/12/2021.

11. Learned AGP on behalf of the Respondent No.1 State, Mr Badgujar, has sought to place reliance on affidavit-in-reply dated 29th April 2026 filed by one Ms Sushila Dhondiram Pawar, working as Deputy Secretary to the Government, Urban Development Department, Mantralaya, Mumbai to contend that the rules i.e. the Rules of 1939 and Rules of 1981 are not applicable to employees of Municipal Corporations and hence the contention of the Petitioners that Rule 10 of Rules of 1981 has to be made applicable to them falls cannot be accepted. He further contended that a clarification to that effect has been issued by the Finance Department of the Government of Maharashtra and therefore the Petitioners would be governed by the NMMC Services Rules 2021 and the age limit would be as governed by the Rules contained therein and the advertisement issued by the NMMC. He further contented that in view of the clarifications issued by the Finance Department of the Government of Maharashtra; it has been categorically clarified that Municipal Corporation Employees are not State Government Employees and hence in their case the provisions of the NMMC Service Rules 2021 are applicable. He therefore submitted that the present petition deserves to be dismissed. The relevant paragraphs of the aforesaid affidavit-in-reply dated 29th April 2026 are reproduced hereinbelow:-

3. In the present matter, since the rules relied upon by the Petitioners were implemented by the Finance Department, clarification was sought from the Finance Department on the following issues:

(i) Whether the concession granted to Government servants under Rule 7, Note 3(b) of the Bombay Civil Services (Classification and Recruitment) Rules, 1939, to the effect that "prescribed age limit shall not apply," is still in force?

(ii) Clarification regarding minimum and maximum age limits applicable to Government employees for appointment by nomination as per prevailing Government rules.

4. The Finance Department has furnished its opinion as under:

(i) After the reorganization of the State in 1956, several amendments were made to the then existing rules and some rules were repealed. Thereafter, the Maharashtra Civil Services Rules, 1981 came into force.

(ii) As per Rule 10 of the Maharashtra Civil Services (General Conditions of Service) Rules, 1981, the age limit for entry into Government service has been prescribed and the same is applicable to all State Government employees.

(iii) The concerned Municipal Corporation employees are not State Government employees; hence, in their case, the provisions of Navi Mumbai Municipal Corporation Service (Entry in Service and Classification of Services) Rules, 2021 are applicable, and necessary action is required to be taken accordingly by the Urban Development Department.

5. In view of the above facts and the opinion of the Finance Department, it is clear that:

(i) After 1956, the earlier rules underwent amendments/repeal and the Maharashtra Civil Services Rules, 1981 came into force.

(ii) The age limit for entry into State Government service is governed by Rule 10 of the Maharashtra Civil Services (General Conditions of Service) Rules, 1981 and is applicable to all State Government employees.

(iii) As per the Navi Mumbai Municipal Corporation Service (Entry in Service and Classification of Services) Rules, 2021, the minimum age for appointment by nomination to any post is 18 years, and the maximum age shall be as per the prevailing rules and Government Resolutions issued by the Government of Maharashtra from time to time.

6. Therefore, in view of the above, the demand made by Shri Raju Dhondiram Akrupe and 03 other Petitioners is not tenable in law and cannot be accepted.

(emphasis supplied)

12. We have heard learned counsels on behalf of the parties and perused the papers and proceedings with their assistance and we proceed to decide the petition.

13. At the outset, this Court by an earlier order passed by a co-ordinate bench dated 17th February 2026 had specifically directed Respondent No.1- State to give

clarity on the issue as to whether the Rules of 1939 which provide in Rule 7 to Note 3B the concession granted to Government Servants specified therein i.e. that the age limit prescribed therein shall not be applicable, are still in force. For ease of reference, the order dated 17th February 2026 passed by the co-ordinate bench of this Court is reproduced below:-

1. Having heard the learned Counsel for the parties and perusing the Bombay Civil Services, Classification and Recruitment Rules, 1939 ("1939 Rules") and in particular Rule 7 Note 3B which provides that the concession granted under these rules to Government Servants that the age limit prescribed therein shall not be applicable to them shall be available only to the following classes of Government Servants, namely (1) Permanent Government Servants; (2) Temporary Government Servants (i) substantive, (ii) deputation or (iii) leave vacancies, if they are in continuous service for not less than six months on the date of their applications.
2. It is submitted by Mr. Sandeep Dere, learned Counsel for the Petitioners that the 1939 Rules have been expressly saved by the subsequent Rules of Maharashtra Civil Services Rules 1981 ("1981 Rules") as well as 2021 Rules providing for age limit for appointment in any Government Service.
3. Mr. Dere has placed reliance on Article 372 of the Constitution of India in support of his contention that in view of preconstitution 1939 Rules not having been repealed they will continue to be in force.
4. Mr. Sakhadeo, the learned Counsel appearing for the Navi Mumbai Municipal Corporation has referred to the Navi Mumbai Municipal Corporation ("NMMC") Service (Entry into Service and Classification of Services) Rules, 2021 which he has submitted are the applicable Rules in the present case. He has in particular placed reliance upon Rule 5.4 which prescribes age limit. He has submitted that the Government Circular issued on 1st November, 2003 which provides that for posts requiring some years of experience, the service recruitment rules should prescribe maximum age limit plus period of experience is not applicable as there is no condition regarding experience of the candidate in the present advertisement. However, it is pertinent to note that Government Circular dated 1st November, 2003 has been repealed on 9th September, 2021.
5. We consider it appropriate for the Respondent – State to give some clarity on the issue as to whether the 1939 Rules which provides in Rule 7 Note 3B that the concession granted to Government Servants as specified therein that age limit prescribed shall not be applicable are still in force. The Respondent – State shall file Affidavit in Reply to the Writ Petition within a period of three weeks from today.
6. Writ Petition shall be placed for further consideration on 16th March, 2026, high on board.
7. In view of the last date for applying for the Assistant Commissioner post with the Respondent – Corporation being 19th February, 2026, the Petitioners rights and contentions are kept open and their online applications for the subject post will be subject to the outcome of the Writ Petition.

14. It is in pursuance of the aforesaid order that the Respondent No.1 State has filed affidavit-in-reply dated 29th April 2026 and 10th February 2026 which we have reproduced above wherein the Respondent No.1 has taken a categorical stand that the Rules of 1939 and the provision for relaxation of age limit is not applicable to the present Petitioner and they would be governed by the NMMC Service Rules 2021. The affidavit-in-reply also categorically clarifies that the concerned Municipal employees are not State Government employees and hence in their case they would be governed by the Rules and provisions as applicable to employees of NMMC.

15. Further, Rule 5.4 of the NMMC Service Rules 2021 specifies the minimum age requirement of 18 years in respect of appointment to any posts which has to be filled in by nomination. The said rule also specifies that the maximum age limit should be as specified in the prevailing rules of the Government of Maharashtra and the relevant GRs issued from time to time. Therefore, these rules are rules which are applicable for appointments to post by nomination and hence the NMMC Service Rules are self-sufficient rules which provide for the age limits for appointments and hence the contention of the Petitioner that the exemption as envisaged under Rule 10 of the Rules of 1981 should be incorporated in the reading of the above rules is erroneous. For ease of reference, the relevant official translation is reproduced below: -

[Translation of xerox copy of Marked Portion being Point No. 5 typewritten in Marathi.]

5. Mode of appointment and qualification –

(5.1) Mode of appointment – The procedure for appointment to various posts in the

Municipal Corporation shall be as prescribed in Appendix 1 and the required qualifications such as education, experience, etc., shall be as prescribed in Appendix 2. The mode of appointment shall be in accordance with Section 54 and Chapter 3 of Schedule D of the Maharashtra Municipal Corporations Act.

(5.2) Indian Citizenship and Domicile Certificate of the State of Maharashtra - The Candidate must be a citizen of India and shall be required to submit, along with the application, a certificate issued by the Competent Authority confirming his/her Domicile in Maharashtra for 15 years, or a birth certificate proving his/her birth in Maharashtra.

(5.3) Computer proficiency/ Requirement of computer handling knowledge - In addition to the qualifications prescribed in Appendix 2, knowledge of handling/ use of computer (such as a certificate of passing the authorized MS-CIT examination conducted by the Maharashtra State Board of Higher and Technical Education, Mumbai or the authorized CCC or O/A/B/C level examination conducted by the DOEACC Society) shall be an additional necessary qualification for appointments to the posts other than those in Group 'D', as determined by the Government by its orders issued from time to time.

(5.4) Age limit - For appointment to any post in the Municipal Corporation by nomination, the minimum age requirement is 18 years completed, whereas the maximum age limit shall be as specified in the prevailing rules of the Government of Maharashtra and the relevant Government Resolutions issued from time to time. The maximum age limit shall not be applicable to the employees appointed to government approved posts in the Navi Mumbai Municipal Corporation through the prescribed procedure. For posts where a maximum age limit has not been specifically prescribed, it shall be determined in accordance with prevailing government policy. As per the prevailing Government Resolutions, the age limit shall be relaxable for the categories to which social reservation is applicable.

(5.5) Ratio of appointments to be made by Promotion/ Nomination: -

(A) The ratio of nomination or promotion shall be as shown against the respective post in Appendix 2. However, for the posts against which such ratio has not been prescribed, the ratio of Promotion and Nomination for appointment to such posts shall be 50:50.

(B) An isolated post in the promotional chain shall generally be filled up by promotion. However, if no candidate is available for appointment by promotion to an isolated post requiring specific qualifications, such post may be filled up by deputation. However, even then a candidate is still not getting available, then in a specific case, the said post may be filled up by nomination/direct recruitment with the approval of the Government.

16. Further, on perusal of the advertisement dated 13th December 2025 it is clear that there was no age limit exemption/relaxation which was granted and only on fulfilment of conditions as specified in the said advertisement the eligible candidates would be selected for the respective posts. This advertisement has been

issued by NMMC and would be governed by the Rules framed by NMMC being NMMC Service Rules 2021. Also, NMMC employees no longer being covered under the category of Government Servants, they would be governed by the Rules and provisions of the NMMC Service Rules 2021.

17. Considering the clear position taken by the Respondent No.1 State in their affidavit-in-reply dated 29th April 2026 that the Petitioners are not governed by Rules of 1939 and also that Municipal Corporation Employees are not Government Servants as sought to be contended by the Petitioner to challenge the advertisement issued by NMMC, we are of the view that the present petition lacks any merit or substance. We are further of the view that, the present Petitioners would be governed by the NMMC Service Rules of 2021 and the advertisement issued by NMMC dated 13th December 2025 not specifying the age limit for recruitment is a perfectly valid advertisement and the Petitioners are bound to comply with the conditions as enumerated in the said advertisement. In view of the aforesaid the petition deserves to not succeed. Petition dismissed. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)