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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4045 OF 2026

Farida Mustak Mulla And Others ...Petitioners.

Versus

The State Of Maharashtra
Thr. Principal Secretary Women
And Child Development Dept. And Others ...Respondents.

Mr. Viraj Vikramsinh Nalawade a/w Sahil Shaikh , Sharvari Tipugade, Girish Mujumdar & Tanvi Lad for the Petitioners.
Ms. Tejas J. Kapre, AGP for the Respondent-State.

**Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.**

Date : August 21, 2026.

P. C. :

1. By the present petition, the challenge is to the Government Resolution dated 3rd July, 2026, prescribing that the maximum age for appointment as Supervisor shall be 50 years.
2. The petitioners are Anganwadi Sevikas who have been appointed in or around the years 2006 to 2008. The State Government vide Government Resolution dated 17th November, 2001 prescribed the maximum permissible age to be 45 years for promotion of Anganwadi Sevikas to Supervisors. A further corrigendum dated 7th December, 2001 was issued modifying the maximum age restricted to 55 years for

promotion.

3. The Government of Maharashtra formulated Service Entry Rules by notification dated 4th June, 2021, and Rule 7(1)(c) reduced the maximum age for promotion from 55 years to 45 years. This rule came to be challenged before the Hon'ble Division Bench of this Court, Nagpur Bench, by way of Writ Petition No. 2147 of 2023, which declared Rule 7(1)(c) of the Service Entry Rules, 2021 as unconstitutional and specifically held that the legitimate expectation of Anganwadi Sevikas to be considered for promotion arose from the Government Resolution dated 17th November, 2001 and the Corrigendum dated 7th December, 2001. The Hon'ble Court observed that if the 45-year restriction was permitted to operate, younger and less experienced Anganwadi Sevika would become Supervisor while seniors would stagnate in service being age barred. It held that the age restriction violated Article 14 of the Constitution of India.

4. Subsequently, a fresh age restriction is imposed by the Government Resolution dated 3rd July, 2026, prescribing the maximum permissible age to be 50 years as on the date of the advertisement. By Government Resolution of 5th August, 2026, the fresh recruitment process with the new eligibility conditions came to be initiated and an advertisement was issued for filling up 272 posts with the maximum permissible age limit of 50 years as of 1st January, 2025.

5. Learned counsel appearing for the Petitioner submits that once the Service Entry Rules were held to be unconstitutional, and it was held that the legitimate expectation of Anganwadi Sevikas had arisen from the Government Resolution of 17th November, 2001 where the maximum permissible age was modified to 55 years, by way of a subsequent Government Resolution, the age restriction could thereafter not be modified to 50 years. He has taken this court in detail through the judgment dated 8th May, 2026 passed by the Nagpur Bench and would submit that the present petitioners are identically placed and in similar facts where the Nagpur Bench has held that the Government Resolution of 17th November, 2001 read with corrigendum dated 7th December, 2001 gave rise to legitimate expectation, the maximum permissible age should be permitted to revert to 55 years as per the decision of the Nagpur Bench.

6. Learned AGP, on instructions, submits that the whole purpose of introducing the maximum permissible age of 50 years in order to ensure that maximum benefit is available to persons appointed to the post of Supervisor. She would submit that the age of retirement for Anganwadi Sevikas is 65 years, whereas that of a Supervisor is 58 years, and it would be more beneficial for the Anganwadi Sevikas to continue in the said posts.

7. In rejoinder, learned counsel for the petitioner would submit that

a conscious decision has been taken by the petitioners to apply for the post of Supervisor, and the prescribed age of retirement of the Supervisor is acceptable to them.

8. We have considered the submissions and perused the record.

9. In Writ Petition No. 2147 of 2023, the Hon'ble Division Bench of this Court, Nagpur Bench, was seized of a challenge to Rule 7(1)(c) of the Service Entry Rules, which reduced the maximum age for promotion from 55 years to 45 years at the time when the Government Resolution of 17th November, 2001 read with corrigendum dated 7th December, 2001 provided for the maximum permissible age to be 55 years. The Hon'ble Division Bench noted the very contention raised by the learned AGP as regards the retirement ages of Anganwadi Sevikas and Supervisors respectively. It also considered the Government Resolution dated 17th November, 2001 and the Corrigendum of 7th December, 2001, by which candidates up to the age of 55 years were held eligible for the post of Supervisor by way of promotion. The Hon'ble Division Bench noted the contentions of the petitioners therein that they became duly qualified for the post of Supervisor in accordance with their date of appointment; however, no appointments were made in accordance with the Government Resolutions, and therefore they were deprived of their legitimate expectation of being promoted in view of the right created by the Government Resolution dated 17th November, 2001 read with

corrigendum dated 7th December, 2001.

10. The Hon'ble Division Bench, after considering judicial pronouncements in the context of Articles 14 and 16 of the Constitution of India, held the impugned Rule 7(1)(c) as unconstitutional. Resultantly, as per the Government Resolution dated 17th November, 2001 read with the Corrigendum of 7th December, 2001, the maximum permissible age for such promotional appointment remained static at 55 years. There is no material on record to demonstrate that there is any challenge to the judgment of Hon'ble Division Bench. Resultantly, the Government Resolution dated 17th November, 2001 read with corrigendum of 7th December, 2001 will govern the field. By the Government Resolution of 3rd July, 2026, an identical exercise is now sought to be carried out by the government, akin to the introduction of Rule 7(1)(c) of the Service Entry Rules, by which the maximum age is now sought to be reduced to 50 years.

11. Considering the decision of the Hon'ble Division Bench in Writ Petition No. 2147 of 2023, even in this case, the doctrine of legitimate expectation would arise in view of the rights which created by the Government Resolution dated 17th November, 2001 read with the corrigendum dated 7th December, 2001. The petitioners cannot be deprived of the benefit of seeking promotion to the post of Supervisor by way of introducing a fresh Government Circular dated 3rd July, 2026.

The G.R. of 3rd July, 2026 refers to interim order dated 30th May, 2025 passed by Bombay High Court directing that age qualification shall not be less than 50 years and order of Nagpur Bench dated 8th May, 2026 cancelling maximum permissible age of 45 years and fixed maximum permissible age at 50 years. There is no justification for fixing the maximum permissible age at 50 years, which will deprive the Anganwadi Sevikas of the promotional benefits, which is discriminatory. As held by the Hon'ble Nagpur Bench, the consequence would be that juniors will supersede the seniors.

12. In light of the decision of Hon'ble Nagpur Bench dated 8th May, 2026, the same criteria would apply to consider the validity of G.R dated 3rd July, 2026, which carries out the same exercise. Resultantly, the G.R dated 3rd July, 2026 is quashed and set aside. Resultantly, the Anganwadi Sevikas who are desirous of applying to the post of Supervisor will be governed by the Government Resolution of 17th November, 2001 and the corrigendum of 7th December, 2001 and the maximum permissible age for such promotional appointment would be as per the said Government Resolution at 55 years.

13. Needless to clarify that the petitioners and all other candidates except for the maximum age restriction, which will be as per the Government Resolution of 17th November, 2001 and the corrigendum of 7th December, 2001 will have to fulfill the other eligibility criteria.

14. Considering the present decision, the respondent No. 2 is directed to issue a fresh advertisement inviting applications for the post of Supervisor with the maximum permissible age of 55 years and other qualifying criteria.

15. Writ petition is allowed in the above terms.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]