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Writ Petition No.33043 of 2024 & etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 05.02.2026	PRONOUNCED ON 26.02.2026
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CORAM

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Writ Petition Nos.33043 of 2024

and 22758, 24052, 22754, 22750, 22753, 24056, 24062,

25279 & 22747 of 2025

and W.M.P.Nos.41640, 46309, 25575, 27071, 27076, 25587, 27080,

28454, 35809, 25578, 25582 & 25585 of 2025

Writ Petition Nos.33043 of 2024

1. Government of Puducherry
By its Chief Secretary,
Chief Secretariat, Goubert Avenue,
Puducherry – 605 001.
2. Government of Puducherry,
By its Director General of Police,
Police Department, Puducherry – 605 001.
3. Government of Puducherry,
By SP Head Quarters,
Police Department, Puducherry – 605 001.
4. Government of Puducherry,



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By OSD (Officer on Special Duty),
Police Department, Puducherry – 605 001.

... Petitioners

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Vs

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 108.

2. Arul Antony J
3. Manogaran R
4. Jagadish P.
5. Kannan
6. Silambarasan V
7. Nirmal N
8. Charles G
9. Kaviarasan P
10. Raghunath C
11. Selvavinayagam P
12. Mayakrishnan M
13. Md. Sheik Dawood
14. Sabary P
15. Raguvaran R
16. Vijayabaskar
17. Sithambalam M
18. Praveen Kumar S
19. Deivendiran N
20. Arumugam P
21. Rajasekar
22. Kalaivanthan N
23. Raj Mohan
24. Boopathy P
25. Ayyanar S
26. Dineshkumar J
27. Vedapriyan
28. Sundararaman E
29. Sivakumar L
30. Govindan S

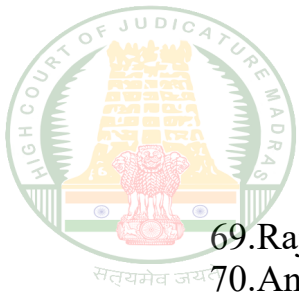
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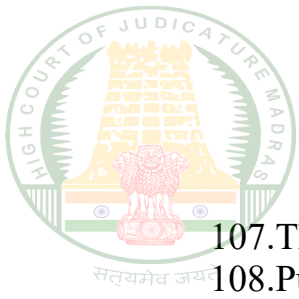
- 31.Karthikeyan D
- 32.Vinoth M
- 33.Murugaiyan K
- 34.Rajesh N
- 35.Rajesh R
- 36.Santhamurthy S
- 37.Kalimuthu R
- 38.Mohandass P
- 39.Balamurugan P
- 40.Ramachandiran P
- 41.Tamilselvam D
- 42.Jayamani K
- 43.Balamurugan D
- 44.Ariharan A
- 45.Jegadeesan D
- 46.Ezhilarasan R
- 47.Deenadayalan A
- 48.Soundhararaj I
- 49.Thirunavukarasan V
- 50.Murugan V
- 51.Sivakumar K
- 52.Anbarasan @ Pugazendhi A
- 53.Arun J
- 54.Manikandan
- 55.Lyautey Gouson P
- 56.Nirmalaanandhan N
- 57.Sivakumar
- 58.Pameswari A
- 59.Kalaivanan K
- 60.Manoji J
- 61.Karunagaran E
- 62.Sugumar S
- 63.Benjamin Frankline F
- 64.Jesintha F
- 65.Jayagopal K
- 66.Ramachandiran
- 67.Sivakumar D
- 68.Damodiran G

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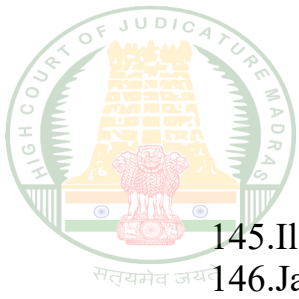
- 69.Rajarathinam T
- 70.Anbarasan
- 71.Nimal PR
- 72.Ramji M
- 73.Balamohan S
- 74.Rajesh Kumar
- 75.Arulkumar M
- 76.Damodharan J
- 77.Anbarasan
- 78.Prakash A
- 79.Sathiyamurthy K
- 80.Vettriselvan L
- 81.Sabarathinam D
- 82.Vasanthkumar
- 83.Stalin L
- 84.Ramachandiran
- 85.Deivendraraj
- 86.Karunakaran
- 87.Mathesmenan
- 88.Johngoloth L
- 89.Roman G
- 90.Pradeep G
- 91.K.Sakthivelu
- 92.Harishkumar
- 93.Senthil Kumar K
- 94.Lohidas Dhayala
- 95.Dhamodaran
- 96.Sivashankaran
- 97.Manikandan
- 98.Bharath
- 99.Vinoth Kumar V
- 100.Ayyanar T
- 101.Manikandan
- 102.Kumaravel R
- 103.Rubakannan L
- 104.Mani Bharathi K
- 105.Vinod Kumar V
- 106.Mohd. Hajakuthubudee S



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- 107.Thangaraj R
- 108.Puruchottamane S
- 109.Kuppazhagar R
- 110.Prabu V
- 111.Janarthanan
- 112.Selvam E
- 113.Gnanasekaran P
- 114.Madhivanan K
- 115.Manikandan S
- 116.Sathish S
- 117.Vazhumuny I
- 118.Sankaran M
- 119.Gogulakrishnan S
- 120.Gopalakrishnan
- 121.Ilakkiyavendhan
- 121.Ganapathy P
- 123.Pragash P
- 124.Arunagiri I
- 125.Mohanraj R
- 126.Vinothkumar
- 127.Sa sikumar S
- 128.Prabakaran A
- 129.Irusavel E
- 130.Vengadapathy G
- 131.Karunakaran R
- 132.Gunasegaran A
- 133.Periyasamy P
- 134.Selvam
- 135.Kamalraj K
- 136.Batmanaban
- 137.Mathivanan
- 138.Roshith Parammal
- 139.Manikandan N
- 140.Rajesh P
- 141.Jenifer F
- 142.Balamurugan K
- 143.Chandirasekar E
- 144.Selvakumaran G

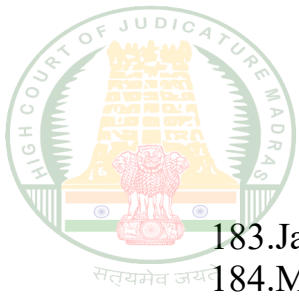
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145. Ilakiyaventhan D
146. Jaganathan J
147. Rajavel K
148. Ramalingam M
149. Viyayan D
150. Ananthakrishnan D
151. Ramki R
152. Prabakaran
153. Muthukumaran
154. Manjini
155. Balachandar K
156. Arjun E
157. Karthikeyan K
158. Pankumar P
159. Ashokan D
160. Sankeetharaj K
161. Anand V
162. Ragavendiran C
163. Jaison Bolivea F
164. Kaliyaperumal
165. Selvaraj C
166. Dessinkou
167. Iyyappan P
168. Neelamegakannan
169. Kathavarayan
170. Rangaperumal Raja K
171. Dunesh Kumar M
172. Sivaraj N
173. Rajasekar V
174. Ravindrane
175. Kalainithi A
176. Jeps M
177. Arikaran V
178. Karthik S
179. Buvaneswaran S
180. Pavadaisamy G
181. Jayabal N
182. Egalaiyan

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- 183.Jayasittira K
- 184.Murugavel
- 185.Rangaraj
- 186.Udhayakumar M
- 187.Parthiban S
- 188.Muruganadan J
- 189.Chitravel B
- 190.Ganapathy
- 191.Ravichandiran A
- 192.Ravichandran K
- 193.Jayachandiran N
- 194.Arunmani
- 195.Dinesh
- 196.Vinoth V
- 197.Iyyappan S
- 198.Raja G
- 199.Rajaprabu R
- 200.Velmurugan G
- 201.Surendar
- 202.Ramarajan K
- 203.Loganathan
- 204.Seetha S
- 205.Durga Prasad Chodi
- 206.Ganga Raju K
- 207.Sattibabu K
- 208.Pemmadi Kesawa Rao
- 209.Rekadi Manikanta
- 210.Naveenkanth
- 211.Krishnarjunudu G
- 212.Lovaraju Mellam
- 213.Subramanyam PV
- 214.Vikram Dharma K
- 215.Ramadass L
- 216.Parandaman P
- 217.Premraj R
- 218.Bremkumar V
- 219.Gottumukkala Manikanta Raju G

... Respondents



Writ Petition No.33043 of 2024 & etc., batch

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the order passed in O.A.No.1043 of 2022, dated 21.04.2023 passed by the first respondent and quash the same and to pass such further order.

For Petitioners : Mr.A.R.L.Sundaresan
(in all W.Ps) Additional Solicitor General of India
assisted by Mr.R.Syed Mustafa
Special Government Pleader (Puducherry)

For R1

(in W.P.No.33043 of 2024) : Tribunal

For RR2 to 219

(in W.P.No.33043 of 2024) : Mr.J.Srinivasa Mohan
for M/s.TVJ Associates

For Respondents in

other W.Ps : No appearance

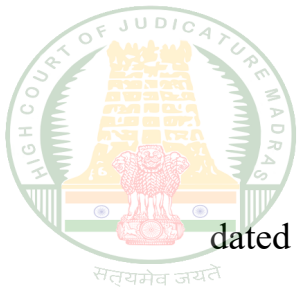
ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

These present writ petitions have been filed challenging the common order dated 21.04.2023 passed by the Tribunal in ten Original Applications, whereby age relaxation was granted to the applicants on account of the COVID-19 pandemic period for the post of Sub Inspector.

2) A recruitment notification bearing No.1-2/A2/Estt-1(A)/POL/2022

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dated 08.11.2022 was issued for appointment to the post of Sub-Inspector of Police. Pursuant to the said notification, the Original Applications were filed before the Tribunal seeking age relaxation for the COVID-19 pandemic lock down period, by both candidates who applied under open competition and in-service contending that no recruitment had been conducted for the post of Sub-Inspector for the past 12 years, thereby depriving them of the opportunity to apply within the prescribed age limit. The in-service candidate has further sought for applying the age relaxation on communal basis. The Tribunal, at the initial stage, passed an interim order provisionally permitting the petitioners to participate in the recruitment process and further directed the authorities to withhold the declaration of results and await the outcome of the Original Applications. Upon final adjudication, the Tribunal allowed the Original Applications and granted age relaxation the ground that similarly situated persons belonging to the same class had already been granted age relaxation for the COVID-19 pandemic period and also extended age concession for in-service candidates on communal basis. Portion of the order benefiting the in-service candidate was implemented by issuance of notification dated 12.08.2025. Aggrieved by the said common order of the Tribunal, relating to COVID 19 relaxation, the present writ

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petitions have been filed by the authorities.

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3) Heard the learned counsels appearing for both the parties.

4) The learned Additional Solicitor General for the petitioners would submit that the post of Sub-Inspector of Police falls under Group 'B' (Non-Gazetted) category. He contends that age relaxation for such posts can be granted only with the approval of the Union Public Service Commission and the Government of Puducherry and does not fall within the purview of the respondent Department. It is further submitted that age relaxation is not a matter of right.

5) He would further submits that as per the Recruitment Rules, 50% of the vacancies are reserved for in-service candidates and the remaining 50% for direct recruitment. He contends that the police force being a disciplined force, physical fitness and youthfulness are essential requirements, and age plays a crucial role in determining the suitability of candidates.

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6) It is further submitted that after the Tribunal's common order, since the Government of Puducherry is a Union Territory Administration, any policy decision requires approval from the Government of India through the nodal Ministry. Accordingly, the proposal for age relaxation was forwarded to the Ministry of Home Affairs, New Delhi, on 06.12.2023. The Ministry of Home Affairs, by its communication dated 07.05.2024, declined to grant age relaxation. Therefore, once the competent authority has taken a decision, the Tribunal ought not to have interfered with the matter of policy decision.

7) The learned counsel further submits that the Police Department has decided to cancel the recruitment notification for 60 Sub-Inspector posts bearing No.1-2/A2/Estt-1(A)/POL/2022 dated 08.11.2022 and to issue a fresh notification.

8) It is further submitted that while rejecting the proposal for age relaxation, the Ministry of Home Affairs observed that granting age relaxation for Group 'C' posts without the concurrence of the Department of Personnel and Training was itself *void ab initio* and advised the Government of Puducherry to challenge the Tribunal's order in accordance with law. It is



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contended that the respondents have failed to implead the competent authorities, which omission is fatal to their case. The learned counsel further submits that in the event of any conflict between statutory rules, the principle of harmonious construction is to be applied. However, harmonious construction cannot be invoked to override statutory requirements or conscious policy decisions taken by competent authorities. He further submits that failure to amend the Recruitment Rules in line with Pay Commission recommendations cannot be a ground to confer benefits contrary to law.

9) In support of the said contention, reliance is placed on the judgment of the High Court of Kerala in **O.P.(CAT) No.3703 of 2012 dated 04.07.2024**, wherein it was held that failure to perform the ministerial act of amendment should not lead to denial of higher pay scale otherwise legitimately available under applicable re-classification or pay scale rules. The learned counsel further contends that the power of relaxation is required to be exercised sparingly and in public interest, depending upon the facts of each case, and that a generalised interpretation cannot be given to a rule providing for relaxation of age. He further submits that pursuant to the

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recruitment notification, certain candidates may not have applied, believing themselves to be age-barred, and therefore, the benefit of relaxation cannot be extended retrospectively to the detriment of such candidates. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in ***Dr. Ami Lal Bhat v. State of Rajasthan and Others***, reported in **1997 (6) SCC 614**.

10) He further relied upon the judgment of the Hon'ble Supreme Court in ***Dr. Thingujam Achouba Singh and Others v. Dr. H. Nabachandra Singh and Others*** reported in **2020 (20) SCC 312**, wherein it was held that prescription of eligibility criteria lies within the exclusive domain of the employer and that no candidate can claim relaxation as a matter of right. The learned counsel also relied upon the judgment of this Court in ***N.S. Sivakumar v. Additional Chief Secretary to the Government of Tamil Nadu and Others***, reported in **2020 (2) CTC 241**, and contended that mere loss of opportunity on account of delay in conducting examinations, in the absence of any **mala fides**, cannot by itself be a ground to reinterpret existing rules or to introduce further relaxation in age to the benefit of candidates. Hence, he prays for dismissal of the respondents'



contentions. Hence, he prays that the writ petitions be allowed.

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11) The learned counsel for the respondents submits that the Government of Puducherry had already granted age relaxation of two years as a one-time measure for the COVID-19 pandemic for Group 'C' posts. He contends that similar age relaxation was granted for Police Constable and Driver (PD) Grade-III posts, which also fall under Group 'C'. It is further submitted that the COVID-19 pandemic affected the entire population globally and that even higher judicial forums extended periods of limitation uniformly across all categories. Therefore, granting age relaxation only to Group 'C' posts and excluding Group 'A' and 'B' posts is arbitrary and unreasonable.

12) The learned counsel further submits that the Recruitment Rules framed under Article 309 of the Constitution of India classify the post of Sub-Inspector as a Group 'C' post. He contends that most of the respondents are overaged only by a few months or years and that if two years of age relaxation for the COVID-19 period is granted along with communal relaxation, they would fall within the prescribed age limit. He further



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submits that recruitment is based on merit and that mere participation does not guarantee selection.

13) He further submits that the Government of Maharashtra was directed to grant age relaxation for the COVID-19 pandemic period by the High Court of Bombay in *Jyoti Kashinathrao Sadavarte v. State of Maharashtra and Another*, reported in *2022 SCC OnLine Bom 4286*. He also placed reliance on various Government Orders issued by the Governments of Nagaland and Andaman and Nicobar Islands, wherein age relaxation of two years was granted for direct recruitment, including to Group 'B' posts. The learned counsel further drew attention to the Judicial Service Recruitment Notification of the year 2023 for the post of Civil Judge, wherein a two-year age relaxation was granted to candidates on account of the COVID-19 pandemic, and contended that denial of similar relaxation to the respondents would be arbitrary and discriminatory. Hence, he prays for dismissal of the writ petitions.

14) Mr. Gnanasekaran, learned counsel for the respondents, submits

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that while age relaxation was granted for Group 'C' posts, it was denied for Sub-Inspector posts, and such selective relaxation lacks a rational nexus, thereby violating Article 14 of the Constitution of India. He contends that reasonable classification must satisfy the test of intelligible differentia and rational nexus, failing which it would be unconstitutional.

15) Replying to the above submissions, the learned Additional Solicitor General for the petitioners reiterates that the post of Sub-Inspector of Police falls under Group 'B' and not Group 'C'. He submits that the classification is reasonable since age relaxation for Group 'C' posts can be granted by the Government of Puducherry, whereas for Group 'B' non-gazetted posts, concurrence of UPSC and approval of the Government of India are mandatory. He further submits that though the Recruitment Rules describe the post as Group 'C', the actual classification must be determined based on the pay scale and functional hierarchy. Hence, the claim of parity with Group 'C' posts is untenable.

16) We have heard the submissions of the learned counsel of the respective parties and perused the material available on records.

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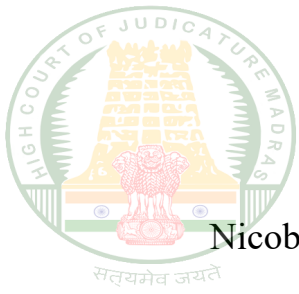
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17) The claim of all the private respondents in these Writ Petitions was with regard to the grant of age relaxation on 2 counts. The Tribunal under the impugned orders had entertained the claim made by the private respondents and had directed relaxation of age on 2 counts. With regard to the grant of age relaxation based on communal basis to in-service candidates, the direction issued by the Tribunal had been implemented. A corrigendum had been issued to that effect. Hence, the only issue that looms upon this Court is with regard to the age relaxation of two years for COVID period.

18) It is the case of the petitioners that the post of Sub-Inspector falls within Group-B cadre and the same had been in clear terms indicated in the notification for the recruitment itself. Hence, the policy of the Government for providing age relaxation of 2 years for Covid period in respect of Group-C post cannot be extended, but on the other hand, reliance had been placed upon various Government orders wherein, such extensions have been granted by the Government of Nagaland, Administration of Andaman and

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Nicobar Islands and the Government of Puducherry in respect of Group-C post, Civil Judges and for recruitment of Group-B and Group-C in Puducherry Judicial Subordinate services. Judgments have also been relied upon by the private respondents wherein age relaxation was also accepted in certain recruitment process. This had been countered by the petitioners by placing reliance upon the judgments of the Hon'ble Apex Court with regard to the prerogative of the Government for fixing the eligibility criteria, apart from the judgment of this Court in the context that a mere loss of opportunity on account of delay in conducting the examination in absence of any malafides cannot by itself be a ground to re-interpret the existing Rule for further relaxation of age to benefit the candidates.

19) Reliance placed upon the Government Orders of other Governments cannot be applied when a particular Government takes a conscious policy decision. It is to be noted that the Government of Puducherry had issued a Government Order in G.O.Ms.No.50, to grant upper age relaxation by two years over and above the upper age limit prescribed under the Recruitment Rules only with regard to direct recruitments in Group-C post as an one time measure. It had also been



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argued by Additional Solicitor General of India as relaxation of age limit to the Recruitment Rules to the Group-C post, concurrence of the UPSC and the Union Government is not required, but however with regard to the relaxation of Group-B & Group-A such concurrence is required and it has also been brought on record that the proposal for age relaxation had been rejected by the Union Government. The notification that had been relied upon by the petitioners in respect of Group-B & Group-C in Puducherry Judicial Services, it is to be noted that such age relaxation had been granted only in conformity with the Government Order in G.O.Ms.No.50, dated 29.07.2022. The Recruitment notification that had been placed on record is a combined Recruitment notification for Group-B & Group-C posts. In such an event, that relaxation that had been extended based upon the said Government Order would only mean the age relaxation to Group-C posts and not Group-B posts in the said notification.

20) It has also been brought on record that under the guidelines issued by the Government of India, Ministry of Personnel, Public Grievance and Pension Department, (Department of Personnel & Training) encompassing various Office Memorandum that stood as on 06.09.2022,

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there would be no age relaxation for the Recruitment to Group-A & Group-B on the basis competitive examination except in the cases where it had been specifically provided for the scheme of examinations approved in consultation with the Commission.

21) Even though it had been contended by the private respondents that under the Recruitment Rules, post of SI had been only classified as only Group-C post, it is to be noted that the said post as notified under the notification were declared to be Group-B post and the reasonings attributed by the learned Additional Solicitor General as to how the post of SI would fall under Group-B post, we are of the view that the post of SI would only be a Group-B post and not Group-C post as contended by the learned counsels appearing for the private respondents.

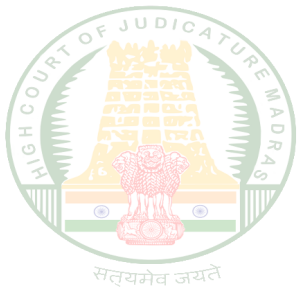
22) In such view of the matter, the benefits that had been granted under the Government Order in G.O.Ms.No.50, which was a policy decision taken by the Government of Puducherry only relate to Group-C post cannot be extended to a Group-B post particularly, when there is a bar for the Government of Puducherry to grant age relaxation to a Group-B post



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without the consultation of the UPSC. In this case, it has also been brought on record that the UPSC as well as the Union Government had rejected the proposals of the Government of Puducherry to grant age relaxation based on Covid Pandemic for the Recruitment of SI. Hence, we cannot find any fault on the Government of Puducherry in not granting age relaxation of two years.

23) A thorough perusal of the judgments that had been relied upon by the learned counsel for the private respondents in support of their contention, it could be seen that in each of the judgments there has been a policy decision taken by the Government for grant of such age relaxation and regarding the same orders were passed to issue corrigendum indicating that the relaxation of age to the Recruitment notification and proceed thereafter. Hence, such judgments in the absence of any policy decision taken by the Government of Puducherry to extend relaxation of upper age limit to Group-B post cannot be made applicable to the present case on hand. Even in the Recruitment notification for the Judicial Officers, reliance had been placed upon a Government Order taking a policy decision to relax two years of upper age limit for such Recruitment.



WEB COPY 24) It cannot be disputed that it would be within the domain of an employer to prescribe the eligibility criteria. It is to be further noticed that originally a Recruitment Notification was issued in the year 2022 based upon which applications was also received, but however it was not processed for one reason or the other and further notification in the year 2025 came to be issued also permitting the applicants who had applied earlier to also participate in the 2025 notification, even though some of the applicants in the notification of the year 2022 would have been over aged when the notification was issued in the year 2025.

25) The Recruitment Rules for the post of SI had been placed on record and Schedule II appended to the said notification would indicate that age limit for direct recruits to be between 20 & 27 years. The said recruitment Rule do not provide for any relaxation of the said age. The relaxation that had been granted for various reserved categories had been made by notification dated 27.03.2012. This would mean that there is no scheme for age relaxation. It is useful to note a judgment of the Division Bench of this Court in a batch of cases relating to the Recruitment to the



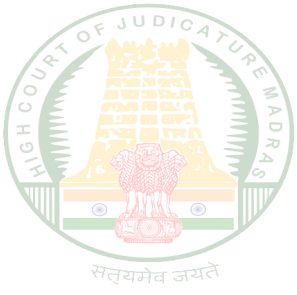
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post of Teachers relied upon by the petitioner, the Recruitment Rules with regard to appointment of Teachers had provided a power for relaxation of any of the contingencies of the said Recruitment Rules. In the said cases, there had been a direction for age relaxation by the Central Administrative Tribunal. The said Division Bench had held that when upper age limit had been prescribed under the Recruitment Rules and if a policy decision has been taken for relaxing the said Rules for reserved categories, then such relaxation can be given to only such reserved categories. Upholding the direction issued by the Tribunal, to give such relaxation by exercising the power of relaxation, the Division Bench had held that the direction given by the Tribunal by making the classification of its own was not proper and it should have left it open to the authorities exercising such power of relaxation.

26) In the present case, the direction to grant relaxation of two years had been directed by the Central Administrative Tribunal under the impugned order when the Recruitment Rules have provided a particular age criteria and without any scheme of relaxation, hence such direction according to us is wholly erroneous.

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WEB COPY 27) For the aforesaid reasons, the Writ Petitions stand allowed and the impugned orders of the Central Administrative Tribunal insofar as it relates to grant of relaxation of two years of Covid Pandemic alone is set aside. Consequently, connected Miscellaneous Petitions are also closed. However, there shall be no order as to costs.

(C.V.K.,J.)

(K.B., J.)

26.02.2026

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Gba

To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 104.

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Writ Petition No.33043 of 2024 & etc., batch

C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Gba

A Pre-delivery judgment made in
Writ Petition Nos.33043 of 2024
and 22758, 24052, 22754, 22750, 22753, 24056, 24062,
25279 & 22747 of 2025
and W.M.P.Nos.41640, 46309, 25575, 27071, 27076, 25587, 27080,
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