



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1658 of 2021**

Satyendra Kumar Singh S/o Shri Nem Singh, Aged About 44 Years, R/o Qtr No. 168, Behind Nirmala School, Kosabadi, District- Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh
2. Chhattisgarh Professional Examination Board Raipur Through The Secretary Vyapam Bhavan, North Block, Sector-19, Atal Nagar, Raipur, Chhattisgarh
3. Joint Director, Education Office, Ghoda Dana School, Tarbahar, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Juhi Jaiswal, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate
For Respondent no.2	:	Dr. Saurabh Kumar Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.03.2021**

1. The grievance of the petitioner in the present writ petition is the action on the part of the respondents in declaring the petitioner to be ineligible for the post of Teacher (Physical Education).
2. The petitioner had applied for the said post on the basis of the advertisement that was published on 09.03.2019. The petitioner is a domicile of the State of Chhattisgarh and he had also served 2 years 3 months 15 days in armed forces and was thus claiming the benefits receivable by an exserviceman. The petitioner has been declared



ineligible holding him to be age barred. It is this action of declaring the petitioner to be age barred which is under challenge in the present writ petition.

3. The contention of the counsel for the petitioner is that the petitioner being a domicile of Chhattisgarh he would be entitled for age relaxation of 5 years so far as upper age limit is concerned and that would take the upper age limit of 35 in the advertisement to 40 years. Thereafter, if the petitioner is given the benefit of Clause-6 of the advertisement which refers to relaxation to the Ex-Serviceman quota, the petitioner should not have been declared ineligible. The age limit as per the advertisement keeping the age as on 01.01.2019 was minimum of 21 years and the maximum of 35 years which gets increased as per the relaxation that are being provided by the Government from time to time so far as the upper age limit is concerned.

4. The undisputed case of the petitioner is that on 01.01.2019 the cut off date for determining the age, he was 43 years 6 months and 2 days. The State Govt. had vide circular dated 30.01.2019 granted certain relaxation for domiciles of the State of Chhattisgarh taking into consideration the large scale unemployment and the fact that there was no recruitment for a considerable long period of time. The State Govt. had granted 5 years of relaxation on the upper age limit for the domiciles of Chhattisgarh. That it was also held that with all the relaxations which a candidate would be entitled for, the maximum upper age limit in any case should not be exceeded 45 years.

5. A plain reading of this document dated 30.01.2019 issued by the General Administrative Department, Govt. of Chhattisgarh would clearly reflect that even in the said circular the maximum age limit



prescribed for is 35 years with a relaxation granted to the domiciles of State of Chhattisgarh to the extent of 5 years.

- 6.** It would be relevant at this juncture to take note of Clause-6 of the advertisement regarding the age relaxation for exservicemen, which for ready reference, the relevant portion of Clause 6 is being reproduced hereinunder:

“ ऐसा अभ्यर्थी, जो भूतपूर्व सैनिक हो, उसे अपनी आयु में से उसके द्वारा पूर्व में की गई संपूर्ण प्रतिकक्षा सेवा की कालावधि कम करने के लिए अनुज्ञात किया जायेगा, परन्तु इसके परिणामस्वरूप जो आयु निकले, वह उच्चतर आयु सीमा से 3 वर्ष से अधिक न हो। ”

- 7.** A plain reading of the aforesaid relaxation would clearly reveal that a candidate who had served the armed forces would be entitled for deductions of the service period that he has rendered under the armed forces. However, the maximum reduction cannot be more than 3 years from the upper age limit.

- 8.** Clause-1 of the advertisement specifically mentions the upper age limit to be 35 years. From the said maximum upper age limit of 35 if the period of service rendered by the petitioner with the armed forces which is 2 years is added, it would only take the age of the petitioner to 37. Further if we add the relaxation of 5 years for being the domicile of Chhattisgarh, it would take the age of the petitioner to $37+5=42$. Even then the petitioner would be age barred as his age was more than 43 years and 6 months.

- 9.** It is only in case if the age of the petitioner after reducing the service period spent in the armed force had not been more than 40 years, he would have been eligible.

- 10.** Therefore, it cannot be said that the action on the part of the respondents in declaring the petitioner to be age barred is in any



manner arbitrary or illegal. The petitioner would get the benefit of relaxation only from the upper age limit prescribed by the Govt. which in the instant case is 35 years. All the relaxation cannot be added first and then considered as the maximum age limit prescribed for obtaining the benefit as has been claimed by the petitioner.

11. Given the aforesaid facts, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order. The writ petition accordingly stands rejected.

**Sd/-
P. Sam Koshy
Judge**

Khatai

