

GAHC020002902023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : WP(C)/117/2023

LICHAMO YANTHAN
S/O MHONTHUNG YANTHAN, PERMANENT RESIDENT OF SUNGLUP
VILLAGE, WOKHA NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT OF
NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
AGRICULTURE DEPARTMENT
NAGALAND KOHIMA

3:THE DIRECTOR
AGRICULTURE DEPARTMENT
NAGALAND KOHIMA

4:THE SUB-DIVISIONAL AGRICULTURE OFFICER (SDAO)
BAGTY
WOKHA NAGALAND

5:SHRI. LAVAMO LOTHIA
MALI
SUB-DIVISIONAL AGRICULTURE OFFICER BAGTY
WOKHA NAGALAN

Advocate for the Petitioner : WATI JAMIR, ALITO SWU

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

JUDGMENT & ODER (CAV)

Date : 10-09-2024

Heard Mr. Wati Jamir, learned counsel for the petitioner, Ms. A. Ayemi, learned Government Advocate for the State respondents and Mr. Tongpok Pongener, learned counsel for the respondent No.5.

2. The present writ petition has been filed to quash and set aside the notification dated 21/12/2022 issued by the Government of Nagaland, Directorate of Agriculture, Nagaland, Kohima appointing the respondent No.5 as Mali under the establishment of the Sub-Divisional Agriculture Officer (SDAO) Baghty, in the district of Wokha, Nagaland and to appoint the petitioner to the said post on land ownership basis.

3. The facts of the case, in brief, as projected by the petitioner are as follows;

(i) The Agri Farm at Baghty Valley under Wokha district is established on the land donated by the land owners from two villages namely, Sunglup and Yonchucho under Wokha district by executing the agreement dated 08/07/1962, wherein, it has been agreed that, for the land acquired, the Government (Agri. Department) shall provide Grade-IV employment or pity jobs including services to the land owners in the capacity the land owners are eligible. The petitioner is a descendant of Shri. Hayipomo of Sunglup village, the Signatory No.2 in the agreement dated 08/07/1962 and by dint of that relation the petitioner has asserted that he is a land owner and therefore, eligible to be appointed to a Grade-IV post on land ownership basis in terms of the agreement dated 08/07/1962.

(ii) The petitioner is a Class-12 passed and accordingly eligible for appointment to any Grade-IV post. The petitioner having learnt that a post of Mali was lying vacant in the Office of the SDAO Baghty, Nagaland on account of the retirement of the incumbent, submitted the application dated Nil to the Director, Department of

Agriculture, Nagaland, Kohima, for appointment to the post on land ownership basis. The application was forwarded by the SDAO Baghty to the Director of Agriculture, Nagaland, Kohima, by the letter dated 16/02/2022.

(iii) That the Government of Nagaland, in the department of Agriculture, however issued the letter dated 21/12/2022, conveying the approval of the Government for appointment of 15(fifteen) posts of Multi Tasking Staff (MTS) Grade-IV in the department as per the recommendation made by the Departmental Screening Committee (DSC) in its meeting held on 12/12/2022. The respondent No.5, appeared in Sl. No. 2 of the letter dated 21/12/2022 for appointment to the post of Mali under the SDAO Baghty. Pursuant thereto, the notification dated 21/12/2022 was issued by the department appointing the respondent No.5 to the said post.

(iv) Subsequent to the appointment of the respondent No.5, the land owners, both from the Yonchucho and Sunglup village submitted the representation dated 28/03/2023, to the Director, Agriculture, Nagaland, Kohima, seeking immediate revocation of the appointment of the respondent No.5 and to appoint the petitioner, a bonafide land owner from Sunglup village. The petitioner also submitted the representation dated 17/05/2023 addressed to the Commissioner & Secretary, Agriculture Department, Nagaland, Kohima as well as to the Director, Agriculture department for immediate cancellation of the appointment of the respondent No.5, and to fill up the post from amongst the bonafide and eligible land owners.

(v) That as the representation/complaint submitted by the land owners of the two villages as well as by the petitioner did not evoke any response from the authorities/department, the petitioner, leaving with no alternative remedy has filed the present writ petition.

4. Mr. Wati Jamir, the learned counsel for the petitioner, submits that, the petitioner is one of the land owners from Sunglup village who has donated the land for the establishment of the Agri Farm at Baghty, however none from the petitioner's family has been appointed to any Grade-IV post in terms of the agreement dated 08/07/1962. On the other hand, the respondent No.5 who is not the land owner has

been appointed to the post in complete disregard to the agreement dated 08/07/1962.

5. Mr. Wati Jamir, the learned counsel for the petitioner, has also referred to the Notification dated 05/03/2018 issued by the Government of Nagaland, Land Revenue Department, laying down the policy of the Government to appoint land owners to Grade-IV post under the Government of Nagaland. Mr Wati Jamir, in support of his case, has particularly referred to Clause-1(b) and 3(a) of the notification dated 05/03/2018 and submits that since the agreement dated 08/07/1962 is subsisting even as of date, recourse should be taken by the State respondents to Clause-1(b) or Clause-3(a) of the notification dated 05/03/2018, to consider the appointment of the petitioner to the post in question.

6. Mr. Wati Jamir, in the alternative, also submits that, if the post, to which the respondent No.5 has been appointed, is not meant for and/or reserved for the land owners, then such post, should be filled up through a proper selection process in accordance with the mandate of Article-14 and 16 of the Constitution of India. In the present case, Mr. Wati Jamir submits that, the respondent No.5 has not only been appointed in complete disregard to the agreement dated 08/07/1962 but also bypassing the constitutional scheme for appointment to public service.

7. Ms. A. Ayemi, the learned Government Advocate, on the other hand submits that, in the light of the agreement dated 08/07/1962 executed between the land owners of the two villages and the officials of the Government, Shri. Rhonchumo Lotha who is the Son of Shri. Hayipomo Yanthan of Sunglup village, the Signatory No.2 in the agreement dated 08/07/1962 has been appointed as a Mali by the order dated 05/09/1997 issued by the SDAO, Baghty, Nagaland. So also 2(two) other descendant of Hayipomo namely, Shri. Sikhomo Yanthan of Sunglup village, has been appointed as a Mali by the order dated 12/07/1996, issued by the SDAO Baghty, Wokha and Shri. Nrithung Yanthan also of Sunglup village has been appointed as a Ploughman by the order dated 06/06/2014 issued by the Director of Agriculture, Nagaland, Kohima. Ms. A. Ayemi accordingly submits that the claim of the petitioner to be appointed on land ownership basis, even if accepting to be true, no longer subsist in view of the bar, under Clause-3(c) of the notification dated 05/03/2018 as the land owners have

already been appointed to Grade-IV post by giving effect to the agreement dated 08/07/1962.

8. Ms. A. Ayemi also submits that pursuant to the letter dated 22/11/2022 issued by the Government of Nagaland, Agriculture department, conveying the administrative approval for constitution of the Departmental Screening Committee for recommending the appointment of 15(fifteen) Grade-IV (MTS) posts under various establishment of the department, the Directorate of Agriculture issued the order dated 28/11/2022 constituting the Departmental Screening Committee (DSC) with the Director of Agriculture as the Chairman of the Committee. The DSC after scrutinizing all the available records of the candidates, by the Meeting Minutes dated 12/12/2022 recommended the candidates for appointment to various posts in the department. The Meeting Minutes was accordingly forwarded to the Agriculture Production Commissioner, Nagaland, Kohima by the letter dated 13/12/2022 and pursuant to which the Government issued the letter dated 21/12/2022 conveying the approval for appointment of 15(fifteen) post of Multi Tasking Staff (MTS) Grade-IV as per the recommendation of the DSC. It was only consequent, thereto, that the Directorate of Agriculture issued the notification dated 21/12/2022 appointing the candidates under the various establishments of the department. The respondent No.5 was appointed as Mali under SDAO Baghty. Ms. A. Ayemi therefore submits that as the respondent No.5 was appointed only pursuant to the recommendation of the DSC and the approval of the Government there is no illegality in the appointment of the respondent No.5.

9. With regard to the representation submitted by the petitioner for cancelling the appointment of the respondent No.5, Ms. A. Ayemi, submits that a Meeting was held on 21/06/2023 under the Chairmanship of the Addl. Secretary, Agriculture department, where after a proper deliberation it was resolved that there was no lapses on the part of the Government in approving the appointment of the respondent No.5 as Mali under SDAO Baghty.

10. Ms. A. Ayemi also referring to the Office Memorandum 03/03/2022 issued by the Government of Nagaland, P &AR (Administrative Reforms Branch), Nagaland, Kohima, submits that on account of the difficulties expressed by the various department in

filling up of Grade-IV post which are to be filled up by the land owners and on compassionate grounds, the Cabinet in order to remove such difficulties has dispensed with the advertisement for such post whenever such difficulties are faced by the department so long as a fair and transparent process is followed and the approval of the Government is obtained for making such appointment. Ms. A. Ayemi submits that, in the present case, the respondent No.5 was appointed after following the due process of law and after obtaining the prior approval of the Government, therefore, no illegality has been committed by the Government in appointing the respondent No.5.

11. Mr. Tongpok Pongener, the learned counsel appearing for the respondent No.5, submits that, the land for the establishment of Agri Farm at Baghty, insofar as Sunglup village is concerned, was donated by the Yanthan sub clan to which both the petitioner and the respondent No.5 belongs. Mr. Tongpok submits that the respondent No.5 is the descendant of Yantso Likopvui, the Signatory No.1 to the agreement dated 08/07/1962 and therefore, a bonafide land owner. The learned counsel supplementing the submission made by the learned Government Advocate also submits that the petitioner's uncle Shri. Sikhomo Yanthan who is the younger brother of the petitioner's father was appointed as a Mali by the order dated 12/07/1996 and continues to render service in that capacity as of date.

12. The learned counsel further submits that the respondent's father Lt. Nvow Lotha was appointed as a Mali on land ownership basis in terms of the agreement dated 08/07/1962, the respondent's father however died in harness on 11/07/2015. Subsequent to the death of his father, the respondent submitted representation to the department for appointment on compassionate ground, which was however denied. The respondent No. 5 therefore filed W.P.(C) No. 195(K)/2015 which was disposed by the order dated 16/10/2015 directing the respondent authorities to consider the representation submitted by the respondent No. 5 (petitioner therein) for appointment on compassionate ground strictly in terms of the O.M dated 17/09/2015, within a period of 4(four) months from the date of receipt of the order. Subsequent to the order passed by this Court, the respondent No.5 on enquiry from the department was verbally informed that his case for compassionate appointment will be considered as

and when his turn comes in the list of compassionate appointment maintained by the department.

13. Mr. Tongpok Pongener submits that in the meantime the vacancy arose in the post of Mali at Paddy Demonstration Farm Baghty on the retirement of the incumbent. The respondent No.5, accordingly applied for the said post on land ownership basis. The respondent's case was considered by the DSC in its Meeting dated 12/12/2024 and the recommended candidates which also included the respondent No.5 was forwarded to the Government by the department by letter dated 13/12/2022 and pursuant to which the Government by the letter dated 21/12/2022 conveyed the approval for appointment of the respondent No.5 and others to different MTS post in the department and it was only consequent thereto, that the Directorate of Agriculture, Nagaland, Kohima issued the notification dated 21/12/2022 appointing the respondent No.5 as Mali under the establishment of the SDAO Baghty.

14. Mr. Tongpok Pongener submits that the respondent No.5 is a bonafide land owner and therefore, his appointment is perfectly in terms of the agreement dated 08/07/1962. The learned counsel refuting the submissions made by the petitioner, that the respondent No.5 is not a land owner, has referred to the certificates dated 14/07/2015 and 24/07/2015 issued by the Baghty Valley Land Owners Union and the Chairman, Sunglup Village Council certifying that Nvow Yanthan of Sunglup Village is one of the land owners of Paddy Demonstration Farm Baghty and also to the certificate dated 26/02/2024 issued by the Chairman, Sunglup Village Council, Wokha, Nagaland, certifying that the respondent No.5 son of late Nvow Yanthan is a native of Sunglup village and a bonafide land owner of Paddy Demonstration Farm under the establishment of SDAO Baghty Wokha.

15. The petitioner has filed affidavit-in-reply to the affidavit-in-opposition filed by the State respondents as well as by the respondent No.5. In the affidavit-in-reply to the affidavit filed by the State, the petitioner has reiterated that none of the family members of the petitioner has been appointed on land ownership basis and the appointment projected by the State respondents in their affidavit are not the family members of the petitioner. It is further stated that there are 5(five) sub clan in the

Yanthan clan and the Thungti Rui sub clan of Yanthan clan from Sunglup village have donated the land for the establishment of Agri Farm at Baghty under Wokha district. The petitioner hails from the Thungti Rui sub clan and is the descendant of the Signatory No.2 in the agreement dated 08/07/1962 and therefore, a bonafide land owner, whereas the respondent No.5 hails from the Tsonao Rui sub clan of Yanthan clan and therefore, not a land owner and could not have been appointed to the post in question on land ownership basis without conducting a proper verification. With regard to the Office Memorandum dated 03/03/2022, it is stated that, the State respondents, has failed to provide any justification as to what was the difficulties faced by the department so as not to advertise the post in question. With regard to the affidavit-in-opposition filed by the respondent No.5, the petitioner reiterating the submission that the respondent No.5 is not a land owner has stated that the Yanthan clan of Sunglup village consists of 5(five) sub clans namely, i) Thungti Rui, ii) Tsonao Rui, iii) Sukhen Rui, iv) Jubai Rui and v) Ashum Rui and the land for the establishment of Agri Farm was donated only by the Thungti Rui sub clan and not by the other sub clan including the Tsonao Rui sub clan to which the respondent No.5 belongs. The petitioner has further stated that the respondent No.5 is the biological son of one Ayamo Lotha who is from the Tsonao Rui sub clan and to this effect Ayamo Lotha has also signed a declaration dated 13/10/2022 before the Notary Public stating that the respondent No.5 is his biological son and not the son of Nvow Yanthan who is a land owner from the Thungti Rui sub clan of Sunglup village. The petitioner accordingly states that the respondent No.5 misrepresenting himself to be the son of Nvow Yanthan from the Thungti Rui sub clan has managed to illegally secure the appointment to the post of Mali at Agri Farm under SDAO Baghty. On the other hand, the respondent No.5, by filing a rejoinder, has denied the allegation made by the petitioner, in the affidavit-in-reply and has annexed the affidavit dated 02/08/2024 sworn by Azeo Lotha the natural brother of late Nvow Yanthan declaring therein that the respondent No.5 is the natural/biological son of late Nvow Yanthan.

16. Heard the learned counsel for the parties.

17. This Court has perused the agreement dated 08/07/1962 executed between the

land owners of the 2(two) villages namely, Sunglup and Yonchucho under Wokha district and the officials of the Government, wherein it is seen that the land owners have agreed to convey the land to the Government at Baghty valley, for the establishment of an Agri Farm, on the condition that, the Government (Agri. Department), shall provide Grade-IV employment and other pity jobs to the land owners.

18. From the affidavit-in-opposition filed by the State as well as the respondent No.5 it is demonstrated that the land owners namely, Shri Rhonchumo Lotha who is the son of Shri. Hayibemo Yanthan, the Signatory No.2 to the agreement dated 08/07/1962 has been appointed as Mali in the Office of the SDAO Baghty by the order dated 05/09/1997, Shri. Sikhomo Yanthan, the younger brother of the petitioner's father and a descendant of Hayibemo Yanthan has also been appointed as a Mali in the Office of the SDAO Baghty by order dated 12/07/1996 and Shri. Nrithung Yanthan also a descendant of Hayibemo Yanthan has been appointed as a Ploughman in the Office of the SDAO Baghty by the order dated 06/06/2014. The petitioner has not denied the appointment of land owners to Grade-IV post, but has only taken a stand that the appointees are not the family members of the petitioner and none from the petitioner's family has been appointed on land ownership basis.

19. In order to examine the claim of the petitioner to be appointed to the post on land ownership basis, it is relevant to refer to the notification dated 05/03/2018 issued by the Government of Nagaland, Land Revenue Department, laying down the policy for appointment of land owners to Grade-IV post under the Government of Nagaland.

20. Clause-1(b) and Clause-3(a) of the notification dated 05/03/2018 referred to, by the petitioner, and Clause-3(c) of the said notification is relevant for the present case and is reproduced below;

“1(b). In case the Department concerned is of the view the agreement should not be declared null and void it shall refer it with relevant details giving justification to the department of Land Revenue for examination and advised in consultation with P&AR and Justice & Law departments and thereafter submit the matter for consideration and decision of the Cabinet.

3(a). In other cases prior to 26/07/2005 and subsequent to setting up of Administrative and Block headquarters on freely donated land, where a specific written agreement exists providing for employment to the land owner, the claim of land owner for employment should be settled in terms of such agreement.

3(c). It is also clarified that it is not the policy of the Government to provide employment to the land owner in perpetuity. The employment of land owner, if permitted by a verifiable and valid agreement, is limited to the person first appointed as land owner in Government service and does not entitle his descendant for further employment on his retirement from service. After the appointed land owner retires or vacates the post, the vacancy will be filled up through open advertisement in consonance with the existing policy giving equal opportunity to all applicant."

21. A conjoint reading of Clause-1(b), 3(a) and 3(c) of the notification dated 05/03/2018 will clearly demonstrate that Clause-1(b) and Clause-3(a) can be taken recourse to, for considering the appointment of a land owner only if Clause-3(c) of the notification remains unfulfilled. In the instant case, not only one, but 3(three) of the land owners, who are the son, relatives/descendants of Shri. Hayibemo, the Signatory No.2, in the agreement dated 08/07/1962 has been appointed to Grade-IV post and therefore, the petitioner who is also claiming to be a descendant of the Signatory No.2 cannot invoke the notification dated 05/03/2018 more particularly, Clause-1(b) and 3(a) for asserting a right to be considered for appointment to a Grade-IV post on land ownership basis.

22. A matter of concern, in the case, is the manner, in which the petitioner has conducted himself in filing the present writ petition. It is seen from the pleadings, that the petitioner, for reasons best known, had deliberately not disclosed the land owners who had been appointed to different posts at Agri Farm Baghty, which also included the petitioner's own uncle i.e. the younger brother of the petitioner's father. It is therefore clearly discernible that there is non-disclosure of material facts, and such non-disclosure, in the considered opinion of this Court, could have only been for the reason that it could have tainted or adversely clouded the claim of the petitioner to be appointed to the post on land ownership basis. The petitioner has therefore not come before this Court with clean hands and is guilty of suppressing material facts, which

otherwise was relevant for a proper and judicious adjudication of the case. The petitioner is therefore not entitled to any relief either in law or in equity and his claim for appointment, to the post in question, on land ownership basis, is also rejected on this ground.

23. In the case of **A.V Papayya Sastry & Others -versus- Govt. of A.P & Others**, reported in **(2007) 4 SCC 221**, the Supreme Court has held that;

“28. Allowing the appeal, setting aside the judgment of the High Court and describing the observations of the High Court as ”wholly perverse”, Kuldip Singh, J. stated: (SCC p.5, para 5)

“The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean hands. We are constrained to say that more often than not, process of the court is being abused. Property grabbers, tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the court process a convenient lever to retain the illegal gains indefinitely. We have no hesitation to say that a person, whose case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation”. (emphasis supplied)

29. The Court proceeded to state: (SCC p.5, para 6)

“A litigant, who approaches the court, is bound to produce all the documents executed by him which are relevant to the litigation. If he withholds a vital document in order to gain advantage on the other side then he would be guilty of playing fraud on the court as well as on the opposite party.”

24. In the case of **Prestige Lights Ltd. -versus- State Bank of India**, reported in **(2007) 8 SCC 449**, the Supreme Court has held that;

“33. It is thus clear that though the appellant Company had approached the High Court under [Article 226](#) of the Constitution, it had not candidly stated all the facts to the Court. The High Court is exercising discretionary and extraordinary jurisdiction under [Article 226](#) of the Constitution. Over and above, a Court of Law is also a Court of equity. It is, therefore, of utmost necessity that when a party approaches a High Court, he must place all the facts before the Court without any reservation. If there is suppression of material facts on the part of the applicant or twisted facts have been placed before the Court, the writ

court may refuse to entertain the petition and dismiss it without entering into merits of the matter.

34. The object underlying the above principle has been succinctly stated by Scrutton, L.J., in *R v. Kensington Income Tax Commrs.*⁴, in the following words:

"[I]t has been for many years the rule of the Court, and one which it is of the greatest importance to maintain, that when an applicant comes to the Court to obtain relief on an ex parte statement he should make a full and fair disclosure of all the material facts--- facts, not law. He must not misstate the law if he can help it---the Court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts, and the penalty by which the Court enforces that obligation is that if it finds out that the facts have not been fully and fairly stated to it, the Court will set aside, any action which it has taken on the faith of the imperfect statement". (emphasis supplied)

35. It is well settled that a prerogative remedy is not a matter of course. In exercising extraordinary power, therefore, a writ court will indeed bear in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, the court may dismiss the action without adjudicating the matter. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible."

25. In the case of **Raj Kumar Soni & Another -versus- State of U.P & Another**, reported in **(2007) 10 SCC 635**, the Supreme Court has held that;

"11 It is a fundamental principle of law that a person invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India must come with clean hands and make a full and complete disclosure of facts to the Court. Parties are not entitled to choose their own facts to put forward before the Court. The foundational facts are required to be pleaded enabling the Court to scrutinize the nature and content of the right alleged to have been violated by the authority."

26. An issue which has also arisen for the consideration of this Court is the

appointment of the respondent No.5 to the post in question on land ownership basis. The petitioner has seriously disputed that the respondent No.5 is not a land owner and has even alleged that the respondent No.5 is not the son of late Nvow Yanthan who is a land owner hailing from the Thungti Rui sub clan of Sunglup village. Such allegation has however been strongly refuted by the respondent No.5. This Court has also perused the order dated 16/10/2015 passed in W.P.(C) No. 195(K)/2015 where a direction had been issued to consider the appointment of the respondent No.5 on compassionate ground. It is however seen that the respondent No.5 has thereafter not taken any steps to pursue the appointment on compassionate ground and no explanation has also been forth coming from the respondent No.5. Be that as it may, this Court under Article 226 of the Constitution of India, cannot make a roving enquiry to ascertain as to whether the respondent No.5 is the owner of the land where the Agri Farm Baghty is established and more so, when the lineage of the respondent No.5 is also questioned.

27. In the light of the discussions made in the preceding paragraph and also considering that the respondent No. 5 has been recommended and appointed by the Government to the Grade-IV post on land ownership basis, which as earlier observed, has been seriously disputed by the petitioner. It will only be proper and in the interest of justice, to order an enquiry, to put the controversy at rest.

28. It is accordingly ordered that, the Deputy Commissioner, Wokha or an Officer authorised by the Deputy Commissioner, Wokha, shall make a proper enquiry to ascertain as to whether the respondent No.5 is one of the land owner and/or the descendant(s) of the land owner who had donated the land for the establishment of Agri Farm at Baghty Valley under Wokha district. The enquiry shall be completed within a period of 60(sixty) days from the date of receipt of this order and the report of the enquiry shall be formally submitted by the Deputy Commissioner, Wokha to the department i.e. the Director of Agriculture, Nagaland, Kohima forthwith. In the event, it is established from the enquiry that the respondent No. 5 is not a land owner, the department shall at the earliest and without any delay, advertise the post in question, inviting all eligible candidates including both the petitioner and the respondent No.5 to

participate in the selection process to be conducted by the Government/department in accordance with law. It is further made clear that if the petitioner and the respondents No.5 are found over aged to apply for the post advertised, a onetime age relaxation shall be extended to the petitioner and the respondent No.5 to enable them to sit for the selection process.

29. Writ petition dismissed. No cost .

JUDGE

Comparing Assistant