



2025:UHC:11438

Sl. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSS/ 2271/ 2024</u> <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. Ketan Joshi, learned counsel for the petitioners. 2. Mr. Pradeep Hairiya, learned Standing Counsel for the State of Uttarakhand. 3. Mr. H.S. Dhanik, learned counsel for respondent no. 3. 4. By means of this writ petition, petitioners have sought the following reliefs:- “(i) Issue a writ order or direction in the nature of mandamus directing the respondents to consider the case of the petitioners for the relaxation in the maximum age limit for the selection of Group C, District Reserve Police and Reserve PAC/IRB (male) in the department of Uttarakhand (Annexure No. 1) for the selection at 2000 vacant post of Group C, District Reserve Police and Reserve PAC/IRB (male) in the department of Uttarakhand Police and direct the respondents to accepted the candidature of the petitioners for the post in question keeping in view the facts highlighted in the body of the petition or to mould the relief appropriately to safe guard the interest of the petitioners. (ii) Issue a writ order or direction in the nature of mandamus directing the Respondent No. 1 to take decision on the recommendation sent by the Respondent No. 2 before conducting the present examination, which is regarding increasing the maximum age for recruitment in the present post, not deciding which causes prejudice and breaches fundamental rights of the petitioners as far as the petitioners are entitled to participate in the on-going selection process as Respondent No. 2 is the head of the Police Department and expert person to decide eligibility criteria for the recruiting people in the Police Department.” 5. According to petitioners, they are educationally qualified for appointment to Group C post of Constable in Civil Police/PAC/IRB; however, all of them have crossed the upper age limit of 22 years fixed by respondents, consequently they have become ineligible for appointment. Petitioners have claimed relaxation in upper age limit for appointment as Constable. 6. It is contended that after State reorganisation, selection for appointment, as constable, was held only twice in 2014 and 2021 and this is the third time selection process is being undertaken.



		7. It is contended that due to inaction on the part of authorities, petitioners have become overage for appointment. Reliance is placed upon Government Order dated 04.07.2007, which provides that direct recruitment quota vacancies on posts outside the purview of Public Service Commission, should be advertised upto 30th June. 8. The advertisement dated 30.10.2024 is enclosed as Annexure-1 to the writ petition. By the said advertisement, applications were invited for appointment against 1600 vacancies on the post of Constable (Civil Police) and 400 vacancies, available in PAC/IRB were also notified. Thus, total number of vacancies indicated in the advertisement is 2000. 9. As per clause 5(A)(iii) of the advertisement, anyone who is between 18 to 22 years of age alone, would be eligible. Petitioners have crossed the upper age limit, therefore, they are not eligible for applying. By order dated 27.02.2025, coordinate Bench restrained the authorities from declaring result of the selection without leave of the Court, although selection process was permitted to be continued. 10. Learned State Counsel submits that petitioners have neither challenged the advertisement nor challenged the cut off date with reference to which age of a candidate has to be ascertained. He submits that petitioners have sought a mandamus to the authorities to grant relaxation in the upper age limit, and now when the selection process is over and only appointment letters remain to be issued to the selected candidates, the reliefs as claimed by petitioners cannot be granted. 11. He submits that power to relax the rules is available with the State Government and there is acute shortages of
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		constables in Civil Police, PAC and IRB; <i>Kumbh Mela</i> is going to be held at Haridwar in 2027, for which, additional force is needed; however, due to continuance of interim order, State Government is unable to send the selected candidates for training. 12. Learned State Counsel points out that upon appointment, selected candidates would be required to undergo training which will take another year. Thus it is contended that having regard to the facts of the case and extreme urgency involved in the matter, restraint order passed by coordinate Bench against declaration of result be vacated. 13. This Court finds substance in the contention raised by learned State Counsel that without challenging the advertisement or the condition regarding upper age limit in the advertisement, which is one of the conditions of eligibility, there is hardly any scope for interference with the ongoing selection process. 14. State Government, as employer, is free to fix the age limit for appointment to a public post. The decision taken by State Government has not been challenged by petitioners. Pursuant to the requisition sent by State Government, Uttarakhand Subordinate Service Selection Commission advertised the vacancies and in the advertisement also, the eligibility conditions are specified. 15. Petitioners do not meet the eligibility conditions yet they chose not to challenge the advertisement. Petitioners are claiming relaxation in upper age limit. Relaxation can only be granted by the employer and not by this Court under Article 226 of the Constitution of India.
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		16. Petitioners have a grievance that since selection for available vacancy on the post of constable was not held regularly on year to year basis and it was held only thrice during last 25 years. They have relied upon a Government Order dated 04.07.2007; however, ongoing selection process cannot be interfered with merely because the selection was not held each year as per Government Policy. 17. A Government Order is not enforceable as law. Government Orders are issued only for guidance of the Government officials at the field level, and in case of violation of a government order, State Government can take necessary action against the erring officials. 18. Holding selection against 2000 vacancies of constable is a mammoth exercise and such exercise, once concluded, cannot be set aside on the asking of candidates who were not eligible to participate in the selection for one or the other condition of eligibility mentioned in the advertisement. 19. Learned counsel for the petitioners submits that there are statutory Rules governing the field which can be invoked by State Government for grant of relaxation in upper age limit to the petitioners. 20. It was open to the petitioners to invoke said rules by seeking direction to the competent authority to examine their claim for relaxation in upper age limit at the time of preliminary hearing, however, it is too late in the day to seek such a relief as the selection process has concluded in the meantime. No useful purpose would be served by asking competent authority to examine claim of the petitioners for age relaxation in respect of the ongoing selection and relaxation, if granted will not improve petitioner's case <i>qua</i> ongoing selection.
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21. For the aforesaid reasons, this Court do not find any scope for interference in the matter. Since the selection process is now over, no useful purpose would be served by asking the State Government to consider claim of petitioners for age relaxation. Age relaxation, even if granted, will not make such persons eligible, who crossed the upper age limit, indicated in the advertisement. Petitioners have not been able to make out any case for interference with the ongoing selection. The reliefs as claimed, cannot be granted upon conclusion of selection process.

22. Accordingly, interim order dated 27.02.2025 is vacated. The respondents authorities shall be at liberty to declare the result and issue letters of appointment to the selected candidates, as per law.

23. The writ petition stands disposed of in aforesaid terms.

(Manoj Kumar Tiwari, J)
19.12.2025

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