

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2751 of 2014

1. Vishnukant Mishra S/o Late Shri Shriniwas Mishra Aged About 37 years R/o A 1/62 Irrigation Colony, I.T.I. Rampur, Korba P.S. Rampur Distt. Korba C.G.
2. Sukhram Sahu S/o Late Shri Narayan Prasad Sahu Aged About 42 Years R/o Village Rasauta, P.S. & Tahsil Pamgarh Distt. Janjgir Champa C.G.

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Versus

1. The State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur, PS Rakhi, Civil & Revenue Dist Raipur, Cg
2. The Engineer In Chief Public Works Department Sirpur Bhaan, Raipur C.G.
3. The Chief Engineer Public Works Department, Raipur C.G.
4. The Superintending Engineer, Public Works Department Bridge Construction Division, Raigarh Distt. Raigarh C.G.
5. The Executive Engineer, Public Works Department, Bridge Construction Division, Bilaspur, Distt. Bilaspur C.G.
6. The Sub Divisional Officer Public Works Division, Bridge Construction, Sub Division Korba, Dist. Korba C.G.
7. The Sub Divisional Officer Public Works Division, Bridge Construction, Sub Division Kera Road, Janjgir, Dist. Janjgir-Champa C.G.
8. Sunil Kumar Bareth S/o Shri Jagdish Bareth R/o Village And Post Kosmanda, Police Station- Champa, District Janjgir Champa, (C.G.)
9. Hemant Kumat Patel S/o Shri Dileshwar Prasad Patel R/o Near Office Of District & Sessions Court, Raigarh (C.G.), Posted As Peon In The Office Of Superintending Engineer, Public Works Department, Bridge Construction Division, Raigarh, (C.G.)

For Petitioners	Shri Bharat Rajput, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate
For Respondent No.8&9	Shri A.N. Bhakta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/07/2015

Heard learned counsel for the parties.

1. Petitioners are working as daily wagers in the Department of Public Works, Bridge Construction Division, Sub Division, Korba. They have preferred this writ petition under Article 226 of the Constitution of India challenging the order Annexure – P/1 whereby their application for regularization as well as their application claiming relaxation in maximum age limit for recruitment on the post of Peon has been rejected.
2. Admittedly, the petitioners are working as daily wagers since 2007 and, as such, their cases are not ripe for consideration for regularization in terms of the State Government's circular dated 5-3-2008.
3. This leaves this Court to consider the remaining prayer of the petitioners wherein petitioners are seeking relaxation in maximum age limit for applying for the post of Peon.

4. Annexure – P/4 is the advertisement issued by the respondents for filling up 18 posts of Peon in the Raigarh circle of PWD, Bridge Construction Division. The maximum age limit for being eligible to compete in the selection process has been fixed at 35 years on 1st January of the year for which the advertisement has been issued. Both the petitioners are more than 35 years of age, therefore, they were declared ineligible for competing in the selection process.
5. On the strength of State Government's circular dated 20-12-2013 petitioners are claiming one time relaxation, as according to the learned counsel for the petitioners, in the said circular the State Government has granted one time relaxation permitting the candidate to compete till the age of 45 years.
6. Reading of the circular dated 20-12-2013 along with the circular referred therein issued on 27-9-2013 would make it explicit that the said relaxation was for recruitment to be conducted in the calendar year 2014.
7. In the subject advertisement, the last date of submission of application was 20-8-2013 whereas the circular was issued in the month of December, 2013 and another circular referred therein was also issued on 27-9-2013. Thus, both the circulars have been issued after closure of the last date of submission of application form in the subject advertisement. Therefore, the

said circulars are not applicable in the case of the petitioners on two counts. *Firstly*; the same having been issued after closure of the last date of submission of application form; and *secondly*; the circular itself has been made applicable for recruitment to be made in calendar year 2014.

8. As an upshot, the writ petition, being devoid of merit, is liable to be and is hereby dismissed.
9. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri