

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3650 of 2015**

Horilal Chandrakar, son of Shri G.R. Chandrakar, aged about 55 years, resident of C-64, Sector-1, In front of Maharastra Mandal Vachnalay Shankar Nagar, Raipur, presently resident of Village and Post Chhati, Tahsil Dhamtari, District Dhamtari, Chhattisgarh

---- Petitioner**versus**

1. The State of Chhattisgarh, through the Secretary Law, Mantralaya Mahanadi Bhawan, New Raipur, Police Station Rakhi, District Raipur, Chhattisgarh
2. High Court of Chhattisgarh, through the Registrar General, High Court of Chhattisgarh, Bodri, Bilaspur, District Bilaspur, Chhattisgarh
3. Registrar General, High Court of Chhattisgarh, Bodri, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri R.K.Pali, Advocate
For Respondent No.1/State	:	Shri Vivek Sharma, Panel Lawyer

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****9/10/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. The Petitioner is a practising Advocate questions Rule 7 of the Chhattisgarh Higher Judicial Service (Recruitment and Conditions of Service) Rules, 2006 (hereinafter referred to as 'the Rules') for appointment of District Judge (Entry Level) providing for only three years relaxation in age to ST, SC and OBC candidates in lieu of five years' relaxation provided earlier.
3. Learned Counsel for the Petitioner submits that the age relaxation is granted to overcome the handicapped candidates from the reserved category phase. Reduction of age relaxation from five years to three years was therefore contrary to the intent and purpose of relaxation making the Rules *ultra vires* the constitutional mandates.
4. Learned Counsel for the State points out that the advertisement was published on 24.7.2015 and last date for submission of applications was

7.8.2015. No relief whatsoever can be granted to the Petitioner in the present case as he could not have applied in accordance with the Rules and never questioned the Rules before expiry of the last date.

5. We concur with the submissions on behalf of the State. The writ petition having been filed on 29.9.2015 much after the last date of submission of the applications on 7.8.2015, in the facts of the present case, question of law sought to be urged on behalf of the Petitioner has become academic. We therefore decline to go into it at this stage and leave it open for consideration in another appropriate case.

6. With the aforesaid observations, the writ application is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE