

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 269 of 2015

1. Lakhan Lal Sahu S/o Uday Lal Sahu Aged About 46 Years R/o Village & Post Sivanikala Police Station & Tahsil Kurud, District Dhamtari, Cg

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Of Public Health And Family Welfare Department, Mantralaya, Capital Complex, Mahanadi Bhawan, Naya Raipur, Distt Raipur, Cg
2. Commissioner Health Service & Family Welfare Directorate Raipur, Distt Raipur, Cg
3. Divisional Joint Director Health Service Division Raipur, DKS Bhawan, District Raipur, Cg
4. President Of Divisional Selection Committee Health Service Division Raipur, DKS Bhawan Raipur, Distt Raipur, Cg

---- Respondent

For Petitioner	Shri A.K. Yadav, Advocate
For Respondent/State	Shri P.K. Bhaduri, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/09/2015

Heard learned counsel for the parties.

1. Petitioner has prayed for issuance of a direction to the respondents to consider his candidature for recruitment on the post of Ophthalmic Assistant by granting age relaxation for the period spent by the

petitioner in passing the course of Paramedical Ophthalmic Assistant.

2. Admittedly, the maximum age for applying in the said recruitment is 45 years and the petitioner has already crossed the maximum age limit. The petitioner is claiming age relaxation on the ground that to become eligible for participating in the recruitment process of Ophthalmic Assistant he has to complete the paramedical certificate course in the field of Ophthalmic Technician, however, there was considerable delay caused by the State Government in imparting training and facilitating the petitioner in obtaining the certificate, therefore, the said period of about 5 years spent by the petitioner deserves to be relaxed and the petitioner should be considered for appointment.
3. Since admittedly the maximum age limit for the recruitment is 45 years and the petitioner has crossed the maximum age limit, this Court in exercise of power under Article 226 of the Constitution of India cannot extend the age by granting relaxation.
4. If there was any delay in obtaining the certificate and the delay is partly attributable to the State Government, the maximum age limit cannot be extended or relaxed in such cases. Writ Court has to apply rules and provisions as it is and cannot grant any additional relaxation to any candidate.

5. At this juncture, learned counsel appearing for the petitioner placed reliance upon the decision of the Supreme Court in **Satya Prakash and Others v. State of Bihar and Others**¹, which is not applicable to the facts of the present case, as the said decision is relating to regularization of daily wagers.
6. In view of the above, the writ petition, being bereft of merit, is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri

1 (2010) 4 SCC 179