

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2013 of 2016

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1. Ram Nivas Kumar son of Satendra Sharma resident of village - Bhuri, P.O. Bhuri, P.S. - Tekari, District - Gaya - 824236 (Bihar).

.... Petitioner/s

Versus

1. The Union of India through the Director, Staff Selection Commission (Central Region), Government of India, New Delhi
2. The Assistant Director, Staff Selection Commission, Central Region, Government of India, Allahabad (U.P.).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Sharma
For the Respondent/s : Mr. S.D Sanjay, Addl. Sol. General
Mr Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-07-2016

Pursuant to an advertisement issued by Staff Selection Commission issued in the year 2015, petitioner, who is a General Duty Constable in Central Industrial Security Force (CISF), responded and participated in the examination. The post in question was for recruitment on the post of Sub Inspectors in either Delhi Police or Central Armed Police Forces as well as the post of Assistant Sub Inspector in CISF.

It is the case of the petitioner that after undergoing the process of selection when it came down to final appointment, the Assistant Director of Staff Selection Commission, Allahabad informed the petitioner that since he is working as General Duty

Constable in CISF, he cannot be treated as a Civilian Employee working under the Central Government, who can be given the benefit of age relaxation, which the petitioner is now claiming through the present writ application.

As per the counsel for the petitioner, in terms of Annexure- 1 he has made a truthful declaration with regard to age relaxation and category column and he did not play any hide or seek while making such declaration. Stand of the counsel for the petitioner is that for Central Government employees a five year age relaxation has been provided for and if the same is extended to the petitioner, petitioner will get an opening by virtue of his participation in the selection process.

Union of India has filed a detailed counter affidavit annexing the advertisement etc. and at the outset, points out the basic fallacy in the line of argument adopted by the petitioner. The significant word in the provision for age relaxation is “Central Government Civilian Employees”. Learned Additional Solicitor General representing the Union of India submits that there is a deliberate effort made on part of the petitioner right from the time of filling of the application, including filing of the writ application, is that he is ignoring the key word, which is Civilian Employee. The word Civilian Employee has a connotation in law even under the



Central Government. Petitioner admittedly is working as a General Duty Constable in CISF, which is a paramilitary organization. Clause 4(B) of Annexure- 1 itself provides for different category and codes for those persons, who can be given benefit of age relaxation, which was required to be filled up by all the candidates in the application form. Reading of the codes and the details would show that there is no provision for relaxation of age with regard to a candidate, who belongs in the category of the petitioner.

The Court after looking at his declaration contained in Annexure- 1 and the detailed provisions of the advertisement comes to a considered opinion that the petitioner took a chance knowing fully well that there is no provision for any age relaxation and now he is trying to make out a case as if he is a victim, by pleading unfairness on the part of the respondents.

The benefit of appointment on a public post can only be derived in terms of the provisions of the advertisement. The Court is not swayed by the argument of the counsel for the petitioner that since the respondent authorities did not reject the application form at the threshold, therefore, he derives some kind of right for consideration.

The provisions are unambiguous. There is no provision in the advertisement for candidates, who are working in a paramilitary organization with regard to relaxation in age. The provision is meant

for Civilian Employees whether general or unreserved category working under the Central Government for a continuous period of three years. The petitioner cannot smuggle himself into that provision and read something in his favour.

The stand of the Union of India has a justification for rejection of the claim of the petitioner vide Annexure- 6 dated 22.12.2015, which seems to be justified and it does not suffer from any kind of arbitrariness or any element of bias for defeating a so-called illusory right which the petitioner perceives about himself.

The writ application, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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