

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18284 of 2015

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Kanhiya Prasad, S/o Shri Rangila Parasad Poundi, resident of Village at Post
Changain Via- Dumraon, District- Buxar, Pin- 802115.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Defence, New Delhi through
Honorary Secretary
2. The Honorary Secretary, Sainik School Society, Ministry of Defence, Govt. of
India, Room No.101, D-1 Wing Sena Bhawan DHZ, Post New Delhi, New
Delhi- 110011.
3. The Principal, Sainik School Hathwa District- Gopalganj.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Advocate.
Mr. K.K. Sinha, Advocate.

For the Respondent/s : Mr. S.D. Sanjay, A.S.G.
Mr. Tuhin Shankar, CGC

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-05-2016

The challenge in the present writ petition is to an order
dated 01.09.2015 passed by the Central Administrative Tribunal,
Patna Bench, Patna (hereinafter referred to as the 'Tribunal'),
whereby O.A. No. 050/00644/2015 filed by the petitioner was
dismissed on the ground of limitation.

An advertisement was published to fill up vacancy of
regular Office Superintendent on 28.09.2011. The minimum age was
50 years. The petitioner applied for the same, though he was 50 years
and 9 months of age, by seeking relaxation in the age criteria. The
request of relaxation of age was sent to the Honorary Secretary,

School Society, Ministry of Defence, Government of India. In the meantime, the petitioner was appointed on contractual basis. Subsequently, the request for proposal of his age relaxation was rejected on 10.07.2012. Being aggrieved against the decision not to relax the age, the petitioner filed an Original Application in 2015, which has been dismissed on the ground that it is barred by limitation.

We do not find any reason to interfere with the order passed by the Tribunal. Firstly, relaxation in age is not a right, but it is a concession which cannot be claimed by way of a judicial intervention. Still further, request of age relaxation was rejected in 2012, but the Original Application was filed three years later, which was rightly dismissed as barred by limitation.

We do not find any error in the order passed by the Tribunal which may warrant interference in the present writ petition. It is accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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