

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.656 of 2016

Utkarsh Sharma, S/o Shri Aditya Sharma, aged about 24 years, R/o New Deepak Nagar, Behind Sagar Hotel, Durg Distt. Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Higher Education, Technical Education and Man Power Planning (Jan Shakti Niyojan) and Science & Technology Department, Mahanadi Bhavan, Mantralaya, New Raipur, Distt. Raipur (CG)
2. Secretary, CG Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur (CG)

---- Respondents

For Petitioner: Mrs. Fouzia Mirza, Advocate.
For Respondent No.1: Mr. Dheeraj Kumar Wankhede, Govt. Advocate on advance copy.
For Respondent No.2: Mr. Ashish Shrivastava, Advocate, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/03/2016

1. Heard on admission.
2. The present petitioner seeks to challenge legality and validity of clause 4 of the advertisement dated 14-1-2016 published on 20-1-2016 by respondent No.2 pertaining to recruitment to the post of Principal Class-II in Manpower Planning Department of the Government of Chhattisgarh

whereby age limit for the said post has been prescribed as not less than 25 years and not more than 30 years as on 1-1-2016 pleading inter alia that the respondents have discriminated among the applicants applying for the said post and the applicants applying for the other posts advertised therein wherein there is no age limit as per the Chhattisgarh Public Service Commission Recruitment Rules, 2016 and as such, it has been prayed that the respondents be directed not to reject the on-line form of the petitioner on the basis of minimum age limit prescribed in clause 4 of the advertisement.

3. A short affidavit has been filed by the Chhattisgarh Public Service Commission before this Court stating inter alia that the impugned advertisement has been issued in accordance with the Chhattisgarh Industrial Training (Gazetted) Service (Recruitment and Conditions of Service) Rules, 2013 (for short 'the Rules of 2013'), particularly as per clause 8(I)(a) with regard to conditions of eligibility for direct recruitment prescribing age that a candidate must have attained the age specified in column (3) of Schedule-III and must not have attained the age as specified in column (4) of the said Schedule on the first day of January, next following the date of issue of advertisement. It has further been pleaded that Schedule-

III of clause 8(l)(a) at Sr.No.2 in column (3) would show that minimum age limit has been prescribed as 25 years and maximum age limit has been prescribed as 30 years.

4. The above-stated reply of the PSC makes it expressly clear that under Schedule-III framed under Rule 8 of the Rules of 2013 for the post of Principal Class-II, minimum age has been prescribed as 25 years and maximum age has been prescribed as 30 years.
5. Admittedly, the petitioner has not completed the age of 25 years, being ineligible he is not entitled to be considered for recruitment to the post of Principal Class-II pursuant to the relevant Rules of 2013 and as per the advertisement dated 14-1-2016 published on 20-1-2016.
6. Since the relevant rules applicable are the Rules of 2013 under which the recruitment is being held and the Chhattisgarh Technical Education (Gazetted Service) Education Cadre Engineering Service Recruitment Rules, 2005 is not applicable, the writ petition has no force and deserves to be dismissed and is accordingly dismissed at the admission stage itself. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge