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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 173/2016**

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Date of Judgment : 08.01.2016

GAURAV GAUR

..... Petitioner

Through : Mr. Vivek Gaur, Advocate along with
petitioner in person.

Versus

HIGH COURT OF DELHI

..... Respondent

Through : Mr. Rajiv Bansal with Mr. Siddhant
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CM APPL. 741/2016

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of.

W.P.(C) 173/2016

3. Challenge in this writ petition is to advertisement published by the respondent for the Delhi Higher Judicial Service Examination 2015 on 22.12.2015.
4. Learned counsel for the petitioner submits that as per the advertisement, one of the eligibility conditions as laid down is that the age of a candidate should be 35 years as on 01.01.2015. Counsel submits that this condition laid down in the advertisement is arbitrary and would cause serious prejudice to the candidates including the

petitioner as the petitioner has attained the age of 35 years on 09.07.2015 but would not be ineligible for a examination which to be conducted in the year 2016.

5. Mr. Rajiv Bansal, learned counsel for the respondent who enters appearance on an advance copy submits that the fixing of the cut off date as 01.01.2015 is not arbitrary but is in compliance with Rule 9 (3) of the Delhi Higher Judicial Service Rules, 1970 as per which a candidate must have attained the age of 35 years and not attained the age of 45 years on the first date of January of the year in which the applications for appointment are invited.
6. We have heard the learned counsel for the parties.
7. Rule 9 (3) of the Delhi Higher Judicial Service Rules, 1970 is reproduced below :

“9. The qualifications for direct recruits shall be as follows :

- (1) must be a citizen of India.
- (2) must have practised as an Advocate for not less than seven years.
- (3) must have attained the age of 35 years and have not attained the age of 45 years on the 1st day of January of the year in which the applications for appointment are invited.”

(Underlying added.)

8. In our view, Rule 9 (3) of the Delhi Higher Judicial Service Rules, 1970 is crystal clear and leaves no room for doubt that since the advertisement was published in the year 2015, the age criteria was to be fixed as on 01.01.2015. A candidate to who has attained the age of 35 years and not crossed the age of 45 years on 1st January of the year in which the applications were invited which in the present case

would be 2015. Since the advertisement was issued on 18.12.2015 and published on 22.12.2015, we find no grounds to entertain the present petition. The same is accordingly dismissed.

CM APPL. 740/2016 (Stay)

9. In view of the order passed in the writ petition, the application is also dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 08, 2016

SC