

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.2279 of 2006

Manoj Kumar Singh, S/o Shri Guleshwar Singh, aged about 28 years,
R/o Village Tangar Mohari, Police Station Balrampur, Tahsil Surguja,
District Surguja (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Home Department,
DKS Bhawan, Raipur (C.G.)
2. The Inspector General of Police, Range Surguja, Ambikapur, District
Surguja (C.G.)
3. The Superintendent of Police, District Jashpur (C.G.)

---- Respondents

For Petitioner: Mr. Rakesh Pandey, Advocate.
For Respondents/State: Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/01/2018

1. The petitioner was selected as Nagar Sainik after undergoing the physical test, but he was denied joining on the ground that he was overage by two months on the date of selection. He preferred writ petition in which this Court ordered for consideration of the petitioner's representation which has been rejected relying upon the circular dated 24-2-1987.
2. Learned counsel for the petitioner submits that the impugned rejection is unsustainable and bad in law, as the Standard Operating Procedure (SOP) dated 4-6-2002 which has been issued under Regulation 50-B of the Chhattisgarh Police Regulations will prevail over the circular dated 24-2-1987 which provides for age relaxation to the extent of service period as Nagar Sainik.

3. On the other hand, learned State counsel opposes the petition.
4. I have heard learned counsel for the parties and perused the material available on record.
5. Admittedly and undisputedly, the Director General of Police has rejected the representation of the petitioner relying upon the circular dated 24-2-1987. Clause 4 (chh) of the SOP clearly provides that the circular issued by the General Administration Department dated up to 3-10-2000 would be applicable for grant of age relaxation and circular dated 24-2-1987 is not superseded by the SOP dated 4-6-2002 for granting age relaxation on the post of Nagar Sainik and completion of one year of service as Nagar Sainik is a must which, admittedly, the petitioner has not completed. The circular dated 24-2-1987 has been issued for age relaxation on the post of Nagar Sainik and therefore, it is clearly applicable which has also rightly been made applicable by the SOP by the headquarter. In light of the said circular, the petitioner has rightly been held to be not entitled for age relaxation and his representation has rightly been rejected. The writ petition is liable to be dismissed and it is accordingly dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge