

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4747 of 2018**

1. Ravindra Singh S/o Ranjit Singh, Aged About 38 Years R/o House No. 89, R. D. A. Colony Tikrapara, Near Shiv Mandir, Raipur, District Raipur, Chhattisgarh.
2. Hulas Ram S/o Budhram Aged About 36 Years R/o Village And Post Patora, Police Station Utai, Tahsil Patan, District Durg, Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Home Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Director General Of Police, Police Headquarter, Raipur, District Raipur, Chhattisgarh.
3. Inspector General Of Police, (Selection), Raipur, District Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Ajit Singh, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/07/2018**

1. The grievance of the petitioners is that the recruitment process initiated for filling up of the post of Constable held from the advertisement dated 03.01.2018 has not been adhered to.
2. The contention of the petitioners is that subsequent to the issuance of the advertisement and all the eligible candidates having submitted their applications, the respondents have changed the Rules of selection and have amended the Rules vide amendment dated 21.02.2018 and the said amended Rules is prejudicial to the interest of the petitioners.
3. According to the counsel for the petitioners, the two petitioners before this Court are both ex-servicemen and the respondents should have considered granting some relaxation so far as the physical test for ex-

servicemen are concerned. According to the petitioners, the respondents should have appreciated the fact that an ex-serviceman aged around 35 plus years cannot be equated with a person who is 18 years of age and therefore considering their past background of having served the Army, the respondents should have granted some relaxation in the physical examination/physical test. It was also the contention of the petitioners that the respondents have also not conducted the physical examination first; rather they have undertaken the physical test first, which again is prejudicial to the interest of the petitioners.

4. Considering the nature of dispute, which has been raised by the petitioners in this case, this Court is of the opinion that the writ Court in exercise of its writ jurisdiction would not substitute itself as a Rule making body or authority, nor can it pass a direction to the respondents for framing a Rule tailored to the benefit of the petitioners. Rule making powers is always within the domain of the State Government. The petitioners if at all they are aggrieved with the Rules, only the recourse available to them is for approaching the authorities concerned.
5. The petitioners in the instant case have already made a representation collectively marked as Annexure P/4, which was filed on 17.05.2018 and the reminders thereon, but till date no final decision has been taken by the respondents.
6. Considering the fact that the representation of the petitioners is pending and also realizing the fact that it is only the State Government which has the power to relax the Rules or amend the Rules as has been sought for by the petitioners, this Court does not intend to entertain the petition at this juncture. Reserving the rights of the petitioners in

addition to the representation already made to make a detailed representation to the respondents ventilating their grievances and the respondents in turn is expected to take an expeditious decision considering the entire factual matrix of the case, and also keeping in view the relevant relaxation, if any, provided by the other States for the ex-servicemen candidates in similar recruitments.

7. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved