

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4707 of 2012**

Prabha Porte, D/o. Jeevrakhan Singh, Aged about 33 years, R/o. Bengali Para, Street No.03, Post and P.S. New Sarkanda, Bilaspur, PIN 495001

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary Department of Home Affairs, D.K.S. Bhawan, Mantralaya, Post and P.S. Civil Lines, Raipur, District Raipur PIN 492001
2. The Director General of Police, Police Head Quarter Chhattisgarh, Post and P.S. Civil Lines, Raipur, PIN 492001
3. Superintendent of Police, Bilaspur, Near Collectorate, Bilaspur, P.O. Bilaspur, District Bilaspur, Chhattisgarh PIN 495001.

For Petitioner	:	Mr. Sameer Uraon, Advocate with Mr. Raza Ali, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/10/2019**

1. The present writ petition has been filed seeking for an appropriate direction to the respondents to permit the petitioner to participate in the recruitment process pursuant to Annexure P/1 the advertisement issued by the respondent No.2.
2. The brief facts of the case is that the respondents have issued an advertisement for filling up of the post of Constables in the different trades and categories in the State of Chhattisgarh. The petitioner had applied for the post of Constable (G.D.) in district Bilaspur. The petitioner also being a female was entitled for the benefits that are otherwise given to a woman candidate. The petitioner belongs to the scheduled caste category and was claiming for the benefits that are also provided to a reserved category candidate. The petitioner had applied for the said post, but was declared ineligible on account of

the fact that the petitioner had crossed the age limit that was otherwise prescribed under the advertisement. The challenge to the said disqualification was on the ground that there is arbitrariness and discrimination on the part of the respondents, so far as granting age relaxation is concerned. According to the petitioner, the citizens or candidates, who are appearing in Bastar division were entitled for a further enhanced age relaxation of 5 years i.e. 33 years for the general category and 33 years for the reserved category candidates. This if would had been given for the other districts also, the petitioner would had become eligible for participation. Thus, the ground of discrimination has been raised by the petitioner in assailing the impugned advertisement.

3. The further ground of the petitioner in challenging the advertisement is to the cut-off date fixed for determining the age, which is the 1st of January of the following year. According to the petitioner, it ought to had been the date of advertisement or on the last date of submission of the forms. The last contention which the petitioner referred to was that the female candidate in the State of Chhattisgarh should have got some relaxation so far as the upper age limit is concerned in the light of the **“Chhattisgarh Civil Services (Special Provisions of Appointment for Women) Rules, 1997”**. The counsel for the petitioner also relied upon the judgment of the Hon'ble Supreme Court in the case of **“Richa Sharma v. State of Chhattisgarh & Ors.” AIR 2016 SC 753**.
4. At the outset, this Court is not convinced with the arguments advanced by the petitioner for the reason that the age relaxation that

has been extended to the candidates of the Bastar division is concerned i.e. as a special relief granted to the particular district in the State of Chhattisgarh, which is badly inflicted with naxalite problem and the fact that it is a scheduled area. The State Government with an intention of giving same benefits to the tribal people of that area have given this advantage. Grant of such a relaxation can be said to be within the reasonable classification made by the State Government as a matter of policy, so far as the age limit is concerned. The said extra benefit has been given with a specific purpose and intention. That cannot be a ground for the petitioner to claim similar benefit.

5. So far as the cut-off date being the 1st of January of the following year is concerned, that again is not within the power of this Court to question as it is well within the prerogative of the State Government to decide cut-off date so far as determining the age limit is concerned. Fixing the upper age limit on the 1st of January of the following year would not even otherwise prejudicially affect the claim of the petitioner in any manner.
6. So far as the claim of the petitioner in the light of the Rules of 1997 is concerned that was never the ground of challenge in the writ petition and that has been raised for the first time by the petitioner today during the course of the arguments. Moreover, the said benefit now after efflux of around 8 years' of time cannot be extended only to the petitioner, when the effect of which would be also applicable to all those female candidates, who were then interested in applying, but did not apply for the reason that the age limit prescribed in the

advertisement was inconsonance to the age limit prescribed under the Service Rules governing the field.

7. For all the aforesaid reasons, this Court does not find any strong case made out by the petitioner for grant of a relief sought for. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved