

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1425 OF 2019**

Bhartendra Bhushan Tripathi S/o Shri Haldhar Prasad Tripathi Aged About 42 Years Presently Posted At Government Middle School Kalmi, Sarangarh, District Raigarh, As Teacher (L. B.) R/o Dharmshala Street, Sarangarh, Tahsil And P. S. Sarangarh, District Raigarh, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Mahanadi Bhawan Naya Raipur, Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission Through Its Secretary Shankar Nagar Road, Raipur, Chhattisgarh.
3. Secretary General Administration Department Mantralaya, Mahanadi Bhawan Naya Raipur, Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Mateen Siddique, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.
For Respondent No.2	:	Shri Sachin Nidhi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.03.2019

1. The sole dispute in the instant case is that, the petitioner who is a permanent resident of State of Chhattisgarh, presently working as Teacher (Panchayat) (Shiksha Karmi Grade-II) under the Zila Panchayat, Raigarh and is presently posted at Govt. Middle School Kalmi, Sarangarh, District Raigarh, had applied for the post of Assistant Professor (Sociology) vide advertisement dated 23.01.2019 published by the Chhattisgarh Public Service Commission (in short, PSC).
2. According to the petitioner, he is entitled for the benefit of age relaxation as has been envisaged in Clause-4(vi) of the advertisement wherein it has been held that the Shiksha Karmis and Panchayat Karmis would be entitled for the age relaxation of the period during which they have been discharging the duties of Shiksha Karmi/Panchayat Karmi and that this relaxation would be extended up to the maximum of 45 years of age.

According to the petitioner, as on the cut off date the petitioner was 41 years, 3 months and 1 day old and as such he was fully eligible for having the relaxation as provided in the advertisement. But when the petitioner tried to apply for the same, his form was not accepted treating him to be overage.

3. The State counsel as well as counsel appearing for the PSC, on perusal of records, accepted the fact that petitioner seems to be entitled for the benefit of age relaxation as provided under the advertisement. The counsel for PSC submits that the last date of filling application has further been extended from 4th March till 3rd April and corrigendum in this regard has also been published and in case if the petitioner intends he can try for filling up of the form afresh.
4. On the said submissions made by the counsel for the PSC as well as by the State, this court is of the opinion that nothing further remains to be adjudicated and the writ petition is allowed. The petitioner is given liberty of filling up of the form afresh and the respondents are directed to ensure that the petitioner's application is accepted. It is made clear that in case if the petitioner finds difficulty in filling up of the form, he would have liberty to approach the respondent No.2 well within time along with copy of this order so that the application of the petitioner could be processed.
5. It is further made clear that this court has only made an observation in respect of the age relaxation aspect and in case if the petitioner is not eligible due to any other condition, the authority would be free to reject his candidature in accordance with rules.
6. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge