

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8069 of 2018**

Arun Kumar Pathak S/o Ramesh Prasad Pathak Aged About 43 Years
Presently Working As Laboratory Technician, At Government Naveen
Colelge Tapkara, District Jashpur Chhattisgarh., District : Jashpur,
Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

Petitioner in Person	:	Mr. Arun Kumar Pathak.
For State/Res. No. 1	:	Mr. Jitendra Pali, Dy. AG
For Res. No. 2	:	Mr. Sudeep Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/01/2019**

1. The challenge in the present writ petition to the advertisement dated 10.10.2008
for the conducting of the State Service Examination of the year 2018.
2. Contention of the petitioner is that the petitioner in the capacity of the
Government employee should have got more age relaxation than that has been
provided as on date.
3. According to the petitioner since the upper age limit for unemployed persons
who are domicile of Chhattisgarh is 40 years. Age relaxation should be given to the
said upper age limit for domiciles of Chhattisgarh whether he is in employment or
not. According to the petitioner he has taken government employment under
compelling circumstances and therefore he should not be denied certain benefits
which otherwise would have been applicable for domiciles of Chhattisgarh and thus
prays for the relaxation of three years be added to the upper age limit of 40 years

The petitioner prays that he be permitted to apply for the year 2018 State Service Examination granting him the relaxation uptill the age of 43.

4. Per contra, counsel appearing for the respondents took the Court through Annexure (P-4). Annexure (P-4) is a special relaxation which has been extended by the State Government to only the unemployed youths of the State of Chhattisgarh. As such that would be applicable only to a special category if cannot be extended to the general citizens for whom the upper age limit for all practical purposes would remain 35 years. More over according to the respondents rules governing the field have provision of relaxation age according to which for government employee the upper age limit would be 38. The advertisement also envisages the Clause for the government employee to apply with upper age limit upto 38 years. Thus the petitioner is not entitled for the benefits that has been claimed.

5. Having heard the contentions put forth on either side and perusal of the records particularly the advertisement under challenge what is clearly reflected is that while fixing the age criteria the respondent authorities had taken into consideration the rules, provisions as it stands on the date and as per the rules, government employee is entitled for age relaxation of three years which the respondents have maintained in the advertisement and as such it cannot be said that the advertisement is contrary to rules. So far as the benefits which has been extended to unemployed youth is concerned, the circular Annexure (P-4) dated 21.03.2017 clearly stipulates that it is meant for an exclusive category of persons that is the unemployed educated youths in the State of Chhattisgarh. This relaxation which has been given by the State Government is with a specific object and intention of ensuring that the educated unemployed youth in the State could be benefited by providing them special relaxation for participating in the recruitment process by enhancing upper age limit to a certain extent. That situation cannot be extended to the category of persons who are already in government employment.

6. So far as the general rules is concerned the upper age limit even as per advertisement is fixed to be 35 years for a domicile of Chhattisgarh and for a candidate who belong from the outside State, it would be 30 years. Thus the

opinion of the Court is that the reasonable classification which has been made by the Government is with clear intentions and purpose in accordance with the rules. The advertisement therefore cannot be said to be either arbitrary or malafide for any reason.

7. In the circumstances, this Court does not find any merits so far as the claim made by the petitioner is concerned. So far as the arguments of the petitioner with regards to the rule itself being bad in law, unless the rule is challenged before the appropriate Court the same cannot be interfered with by this Court at this juncture.

8. Writ petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
Judge