

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 10665 of 2019**

- Roshan Kumar Namdeo, S/o Madho Prasad Namdeo, aged about 47 years, R/o Nagar Panchayat Adbhar Tahsil & District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, through its Secretary Department of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)
2. Chhattisgarh Public Service Commission, Through its Secretary, Shankar Nagar Road, Raipur, District Raipur (C.G.)

---- Respondents

For Petitioner	:	Shri Ishan Verma, Advocate.
For Respondent/State	:	Shri Sudeep Agrawal, Deputy Advocate General.
For Respondent No.2	:	Shri Ashish Shrivastava, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****17.12.2019**

1. The Petitioner has moved this Court with the following prayers:

“10.1 This Hon'ble Court may kindly be pleased to declare the condition prescribed in corrigendum dated 01.02.2019 at important Teep/Note-(i) incorporated after clause (4) (xii) of the advertisement dated 18.01.2019, in which the condition that, after relaxing all the age benefits, the maximum age-limit will not exceed 47 years, is ultra-vires viz-a-viz Article 14 & 16 of the Constitution of India (Annexure P/1);

10.2 This Hon'ble Court may kindly be pleased to declare the condition mentioned in Rule-8(l) (j) of the Chhattisgarh Educational Services (Collegiate Branch, Gazetted) Recruitment Rules, 2019, being ultra-vires viz-a-viz Article 14 & 16 of the Constitution of India (Annexure P/2);

10.3 This Hon'ble Court may kindly be pleased to declare the condition of a rider of maximum age-limit of 45 years, mentioned in order dated 30.01.2019 being ultra-vires viz-a-viz Article 14 & 16 of the Constitution of India (Annexure P/3);

10.4 This Hon'ble Court may kindly be pleased to declare the condition of a rider of maximum age-limit of 38 years, prescribed in clause (4)(xi) of the

advertisement and also in circular dated 30.10.2012, issued by the GAD, State of Chhattisgarh, is being ultra-vires viz-a-viz Article 14 & 16 of the Constitution of India (Annexure P/4);

10.5 This Hon'ble Court may kindly be pleased to direct the respondent authority to further grant the age relaxation prescribed in clause (4) (xi) of the advertisement, thereby granting relaxation in age to the number of years, as contract employee experience without a rider of maximum age of 38 years;

10.6 This Hon'ble Court may kindly be pleased to direct the respondents to allow the petitioner to submit application-form and further allow to participate in the selection process for the post of Assistant Professor;

10.7 This Hon'ble Court may kindly be pleased to issue any other order or orders, writ or writs, direction or directions as this Hon'ble Court may deem fit in the facts and circumstances of the case in favour of the petitioners, in the interest of justice."

2. The grievance is with regard to the maximum age prescribed for applying for the post, after availing all the relaxation under different heads.
3. When the matter is taken up for consideration, it is brought to the notice of this Court that exactly similar issue had come up for consideration before this Court and the claim was repelled as per Annexure P/9 judgment dated 22.07.2019 in Writ Petition (S) 3595 of 2019 and connected cases. However, an observation was made as to the right and liberty to party concerned to move the Competent Authority in view of Rule 22 of the Chhattisgarh Educational Service (Collegiate Branch, Gazetted) Recruitment Rules, 2019 for redressal of grievance, if any.
4. In the said circumstance, we are of the view that issue stands squarely covered by Annexure P/9. Interference is declined. The writ petition is dismissed in terms of Annexure P/9, with liberties as mentioned therein.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge