

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13147 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the 2nd respondent in not completing the certificate verification of the petitioner, as arbitrary, illegal, without jurisdiction and violative of Articles 14, 16 and 21 of the Constitution of India and to relax the condition specified in Clause 17 (B) (i) of the notification dated 31.05.2018 and consequently declare that the petitioner is eligible and entitled for the post applied by relaxing the requirement as sought for in the representation.

Heard learned counsel for the parties.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed to the post of Sub-Inspector of Police and the respondents have issued a recruitment notification on 31.05.2018. The petitioner has further submitted that she has responded to the said notification and, having participated in the selection process, she is declared qualified in the preliminary written examination, physical efficiency test and also the final written examination. The grievance of the petitioner is that the respondents are not verifying her certificates and not allowing her to participate in the further selection process on the ground that she is under age. As per the notification, for the post of Sub-Inspector, one must have been born not earlier than 2nd July, 1993 and not later than 1st July, 1997.

The petitioner submits that as per the said requirement, she is under age by 28 days. Admittedly, the petitioner's date of birth is 29.07.1997 and she is under age by 28 days.

Therefore, learned counsel for the petitioner submits that when the case of the petitioner was not considered and the certificates of the petitioner were not verified, the petitioner has submitted a representation to the respondents on 22.06.2019, but so far the respondents have not passed any orders on the said representation nor considering the case of the petitioner for appointment to the post of Sub-Inspector of Police. Learned counsel further submits that appropriate orders be passed in the writ petition directing the respondents to relax the minimum age limit and permit the petitioner to participate in the selection process for the post of Sub-Inspector.

Learned Standing Counsel appearing for the respondents had submitted that as per the notification, the candidates who have been born not later than 1st July, 1997 are not entitled for consideration for the post of Sub-Inspector, as the recruitment Rules make it clear that one must complete the age of 21 years. Learned Standing Counsel further submitted that admittedly the petitioner has not completed 21 years of age as on 01.07.1997, therefore, the case of the petitioner cannot be considered; there are not merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by learned counsel for both parties, is of the considered view that the

recruitment Rules and the notification make it clear that the persons who have attained the age of 21 years are entitled for consideration for the post of Sub-Inspector and the notification further makes it clear that the persons born not later than 1st July, 1997 are eligible for consideration for the said post. Admittedly, in the instant case, the petitioner was born on 29.07.1997, therefore, the case of the petitioner cannot be considered, as it would run contrary to the notification and also the recruitment Rules. Hence, this Court is not inclined to interfere in the matter and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

3rd July 2019
v v