

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Dr. Justice Shameem Akther

W.P. No. 18005 of 2019

Date: 21-08-2019

Between:

Duddila Srinivas Sharma

...Petitioner

and

The Registrar (Administration)
FAC Registrar (Recruitment)
High Court for the State of Telangana
Hyderabad

...Respondent

Counsel for the Petitioner: Mr. A. Sai Chakravarthy

Counsel for the respondent: Mr. Y. Rama Rao, TSHC

The Court made the following:

Order: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The petitioner has approached this Court for the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondent in not relaxing the age condition for submitting the application to the post of Junior Assistant/Field Assistant vide Notification No. 02/2019 and 4/2019 dated 31-07-2019 issued by the respondent is illegal, arbitrary, contrary to law and violation of principles of natural justice and consequently to direct the respondent to permit the petitioner to submit his application for the above said Notifications by relaxing the age criteria.”

The learned counsel for the petitioner submits that since the petitioner had already worked as a Junior Assistant from 01-07-2010 till termination of his service by order dated 04/05-11-2014, he should be given the benefit of age relaxation. Therefore, he should be permitted to apply for the post of Junior Assistant, or for the post of Field Assistant, as notified by the respondent by notification dated 31-07-2019.

This writ petition is highly misplaced. For, admittedly, the petitioner's services were terminated by the High Court by its order dated 04/05-11-2014. Moreover, the petitioner is not entitled to claim that he has a civil right, or a fundamental right for relaxation of his age for appearing in the selection process. In catena of cases, the Hon'ble Supreme Court has opined that

the provision dealing with the relaxation of age is an enabling provision, which bestows a discretionary power on the employer to relax the age, or not to relax the age depending upon the peculiar facts and circumstances of each case. Hence, regularization of age cannot be claimed either as a civil right, or as a fundamental right.

Since there is no violation of any civil or fundamental right of the petitioner, the present writ petition is not even maintainable. Therefore, this Court does not find any merit in the present writ petition. It is, hereby, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, CJ)

(Dr. Shameem Akther, J)

Dt: 21st August, 2019
lur