

WPA 8306 of 2020

**Debajyoti Roy
Vs.
The State of West Bengal & Ors.**

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Mr. Sujit Saha
... For the Petitioner

None appears on behalf of the State respondents.

The candidature of the petitioner for engagement of Auxiliary Fire Operator on temporary basis under West Bengal Fire & Emergency Services has been rejected. The petitioner is aggrieved by the same.

The petitioner relies upon the order dated 26th May, 2017 issued by the Deputy Secretary, Government of West Bengal, Department of Fire and Emergency Services, wherein the age criteria for deployment of volunteers has been mentioned as 18 years to 33 years as on 1st January, 2017 or first day of month of January of the year of engagement or deployment.

The petitioner submits that in 2017 the petitioner was within the age limit and in the year 2018 the Director General, Department of Fire and Emergency Services vide a memo dated 20th November, 2018 changed the age criteria and mentioned that the age of the candidate has to be calculated as it stood on 1st January, 2018.

The petitioner submits that the rules of selection cannot be changed in 2018 after the selection process was initiated in 2017.

The Court does not find any merit in the submission of the petitioner.

The initial order of the year 2017 categorically mentioned the eligible age to be 18

to 33 years as on 1st January, 2017 or the first day of the month of January of the year of engagement or deployment.

In the instant case the deployment was made in 2018 and accordingly the age of a candidate as it stood on 1st January, 2018 became relevant.

It appears that though the petitioner was within the prescribed age limit in the year 2017 he became over aged in the year 2018. Had the deployment been made in the year 2017 then the petitioner may have been eligible to participate in the same but as the deployment was made a year later he became over aged.

The age criterion was categorically indicated in the initial order of deployment issued in the year 2017. The respondents cannot be faulted for their action taken in the year 2018.

Accordingly, the writ petition is devoid of merit and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)

