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HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No. 4477 of 2020**

1. Deepak Awasthi S/o D.N. Awasthi Aged About 50 Years Occupation Service, Presently Posted As Marshal, Vidhan Sabha, Raipur, R/o Zonal Market, Sector-10, Bhilai, District Durg (Chhattisgarh)

---- Petitioner**Versus**

1. Secretary Vidhan Sabha Sachivalaya, Chhattisgarh Vidhan Sabha, Raipur (Chhattisgarh)
2. Anil Kumar Dwivedi S/o Shri Ramakant Dwivedi, Aged About 33 Years R/o Near Shanti Offset, Near Civil Court, Civil Lines, Ward No. 21, Dongargarh, District Rajnandgaon (Chhattisgarh)
3. Dashrath Soni S/o Shri Devlal Soni Aged About 35 Years R/o Mahavirpara, Ward No. 9, Dongargarh, District Rajnandgaon (Chhattisgarh)
4. Sayyad Abrar Ali S/o Shri Sayyad Anwar Ali Aged About 34 Years R/o Village Sanwa, Post Sargaon, Tah. Mungeli, District Bilaspur (Chhattisgarh)

---Respondents**WPS No. 4475 of 2020**

1. Birendra Singh Chandel S/o Late Govind Singh Chandel Aged About 50 Years Occupation Service, Presently Posted As Assistant Marshal, Vidhan Sabha, Raipur , R/o Polsay Para , House No. 01, Ward No. 27, Station Road Durg District Durg Chhattisgarh.,
2. Dinesh Singh Thakur S/o Late Girish Singh Thakur Aged About 42 Years Occupation Service , Presently Posted As Assistant Marshal , Vidhan Sabha , Raipur , R/o G-5, Vidhan Sabha Awasiya Parisar, Raipur District Raipur Chhattisgarh.

---- Petitioners**Versus**

1. Secretary, Vidhan Sabha Sachivalaya Chhattisgarh Vidhan Sabha , Raipur Chhattisgarh.
2. Anil Kumar Dwivedi S/o Shri Ramakant Dwivedi Aged About 33 Years R/o Near Shanti Offset, Near Civil Court, Civil Lines, Ward No. 21, Dongargarh, District Rajnandgaon Chhattisgarh.
3. Dashrath Soni S/o Shri Devlal Soni Aged About 35 Years R/o Mahavirpara, Ward No. 09, Dongargarh, District Rajnandgaon Chhattisgarh
4. Sayyad Abrar Ali S/o Shri Sayyad Anwar Ali Aged About 34 Years R/o Village Sanwa, Post Sargaon , Tahsil Mungeli, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioners : Shri Rajeev Shrivastava, Advocate.

For Respondent No. 1 : Shri Abhyuday Singh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.11.2020

1. Since the issues raised in two writ petitions being identical, both the writ petitions are being disposed of by a common order.
2. The relief sought for by all the petitioners herein is seeking for an appropriate relaxation, considering the age at which they are and also considering the length of services put in by the petitioners with the respondents, relaxation be granted from the physical efficiency test, which is required for appointments to the post of "Marshal" and "Assistant Marshal" in the Vidhan Sabha.
3. The present petitions have a chequered history in as much as, their appointments were challenged at one point of time in WP(S) 2337/2012 which finally was allowed vide order dated 11.03.2019 and the appointments of the petitioners were held to be bad-in-law and respondents were directed to go in for a fresh selection and while disposing of the writ petition, this Court had directed that the petitioners herein who had put in considerable length of service with the respondent No. 1-Vidhan Sabha be granted age relaxation for participating in the selection process. The said order of this Court was subsequently upheld even by the Division Bench as also by the Supreme Court. Pursuant to which the respondent No. 1 has now issued an advertisement on 22.01.2020.

4. The petitioners through present writ petitions seek indulgence of this Court for a direction to the respondents to the extent of granting relaxation to the Physical Efficiency Test that is required for appointment to the posts of "Marshal" and "Assistant Marshal" that are the posts on which the petitioners are working.
5. Given the fact that the Writ Court earlier itself in its order dated 11.03.2019 had ordered for granting age relaxation to the petitioners. Any further relaxation which the petitioners should be entitled for or the relaxation which the petitioners are claiming for, is one which would be now exclusively within the domain of the respondent No. 1.
6. It has been informed by the learned counsel for the petitioners that the petitioners have already approached the respondent No. 1 by way of a detailed representation in this regard seeking for further relaxation from the physical efficiency test and which is still under consideration. This Court hence is of the opinion that without expressing anything on the merits of the case, it would be more appropriate, if the writ petition is disposed of with a direction to the respondent no. 1 to consider and decide the representation of the petitioners on its own merits objectively in accordance to law, at the earliest preferably before the recruitment process is infact finalized.
7. With the aforesaid observation, Both the writ petitions accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge