

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.570 of 2020

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction especially one in the nature of Writ of Mandamus declaring that (a) notification No.10/2019, dt 31/12/2019 issued by 1st respondent insofar as prescribing maximum age limit of 34 years as on 1/7/2019 for making applications to the post of Food Safety Officers in IPM and GHMC as illegal, arbitrary and discriminatory apart from the same is in violation of G.O.Ms.No.190, dt 8/8/2017 (b) declare that petitioners are eligible and entitled to make applications to the post of Food Safety Officers in IPM and in GHMC in pursuance of notification No.10/2019, dt 31/12/2019 and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Srinivasa Rao Madiraju, learned counsel appearing for the petitioners, learned Government Pleader for Services-III appearing for the 1st respondent and Sri D.Balakishan Rao appearing for 2nd respondent.

It is the case of the petitioners that the 2nd respondent issued a notification dated 31.12.2019 for the post of Food Safety Officer by prescribing the maximum age limit as 34 years. The State Government has taken a policy decision to

relax the upper age limit in respect of direct recruitees *vide* G.O.Ms.No.190, dated 8.8.2017. But the present notification stipulates that one should not cross 34 years as on 1.7.2019. As on 1.7.2019, G.O.Ms.No.190, dated 8.8.2017 was in operation. Therefore, the benefit of G.O.Ms.No.190, dated 8.8.2017 ought to have been extended to the petitioners.

Learned counsel appearing for the petitioners contended that the action of the respondents in prescribing the upper age limit as 34 years as on 1.7.2019 in the notification is arbitrary and illegal. It is further contended that for the last 10 years, there was no recruitment to the posts of Food Safety Officers and that the respondents ought to have considered the said fact and granted 10 years relaxation as one time measure. It is prayed that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioners for relaxing the upper age limit, on the petitioners submitting a representation to the 1st respondent and that the 1st respondent would consider the same and pass appropriate orders in accordance with law.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents contended that relaxation of upper age limit cannot be claimed as a matter of right and it is the policy decision of the 1st

respondent. The notification was issued on 31.12.2019 and G.O.Ms.No.190, dated 8.8.2017 was in force only up to 26.07.2019 and hence, G.O.Ms.No.190, dated 8.8.2017 cannot be applied. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the issue of prescribing the upper age limit is policy decision of the 1st respondent, therefore, this Court is not inclined to interfere with the same. However, without expressing any opinion on the merits of the case, if the petitioners are willing to submit a representation to the 1st respondent, it is always open for them to submit the same seeking to relax the upper age limit to the post of Food Safety Officer. If any such representation is submitted, it is open to the respondents to consider the said representation and pass appropriate orders.

With the above observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 09.01.2020
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