

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2150 of 2013**

Asger Khan S/o Noor Dad Khan, Aged about 35 years, R/o Talapara, Kumhar Gali, Bilaspur, Police Station Civil Line, Civil and Revenue Distt. Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary Department of Home, Mahanadi Bhawan Mantralaya, New Raipur, P.S. Rakhi, Civil and Revenue Distt. Raipur, Chhattisgarh.
2. The Director General of Police Headquarter, civil Line, Police Station Civil Line, Civil and Revenue Distt. Raipur, Chhattisgarh.

---Respondents

For Petitioner	:- Mr. Nishant Bhanushali, Advocate
For State	:- Mr. Soumya Rai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/09/2021

1. Petitioner herein calls in question the select list dated 11/05/2013 (Annexure P/1) issued by respondent No. 2 to the extent of his non-selection on the post of Sub-Inspector in the recruitment held in the year 2011.

2. Mr. Nishant Bhanushali, learned counsel for the petitioner, would submit that his non-selection on the post of Sub-Inspector is totally arbitrary, illegal and without jurisdiction as he was a meritorious candidate but still he has not been selected and appointed on the said post.
3. Mr. Soumya Rai, learned State counsel, would submit that the impugned recruitment is governed by the provisions of Chhattisgarh Police Executive (Non-Gazetted) Service Recruitment Rules, 2006 and according to Rule 8(2) of the Rules of 2006, no age relaxation can be granted to a Shiksha Karmi/Panchayat Karmi. The said rule has further been clarified by the State Government vide Circular dated 04/11/2006 (Annexure R/1) wherein it has been held that any candidate appearing for direct recruitment in Police Department would not be entitled to any age relaxation, therefore, on the date of recruitment, petitioner being over-age, has rightly not been selected for the said post.
4. I have heard learned counsel for the parties at length and perused the records.
5. The subject recruitment was conducted in accordance with the Chhattisgarh Police Executive

(Non-Gazetted) Service Recruitment Rules, 2006.

Rule 8(2) of the Rules of 2006 states as under :-

"8. Conditions of Eligibility of the candidates for direct recruitment – In order to be eligible for competing in the examination a candidate shall have to satisfy the following conditions, namely :-

(1) XXXX

(2) Age -

(a) He must have attained the age as specified in Column (4) of Schedule III and not attained the age specified in Column (5) of the said Schedule, on the First day of January next following the date of commencement of the examination;

(b) The upper age limit shall be relaxed up to maximum of 5 years; if a candidate belongs to Scheduled Caste, Scheduled Tribe or Other Backward Class;

(c) The upper age limit will also be relaxable, in respect of candidates who are or have been employees of the Chhattisgarh Government, to the extent and subject to the conditions specified below, provided they are not otherwise qualified from joining Government service;

(i) A candidate who is a permanent Government servant should not be more than 36 years of age.

(ii) A candidate holding a post temporarily and applying for another post should not be more than 36 years of age. This concession shall also be admissible to the contingency paid employee, work-charged employees and employees working in the Project Implementation Committee.

(iii) A candidate, who is a retrenched Government servant shall be allowed to deduct from his age, the period of all temporary service previously rendered by him up to a maximum limit of seven years even if it represents more than one spell provided that the resultant age does not exceed the upper age limit by more than three years.

(d) A candidate who is an ex-serviceman shall be allowed to deduct from his age the period of all defence service previously rendered by him, provided that the resultant age does not exceed the upper age limit by more than three years."

6. The aforesaid rule has further been clarified by the State Government by Circular dated 04/11/2006 (Annexure R/1). The second as well as the last paragraphs of the Circular state as under :-

"छत्तीसगढ़ शासन सामान्य सेवा में नियुक्ति के ये लिए निर्धारित आयुसीमा में समसंख्यक परिपत्र दिनांक 13.02.2003, 17.06.03, 9.07.2004 एवं 11.08.05 द्वारा प्रदत्त छूट से पुलिस विभाग को पृथक रखा गया है तथा पुलिस विभाग में सीधी भर्ती के पदों हेतु भर्ती नियमों में जो आयुसीमा दी गई है उसे मान्य किया गया है |

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XXX

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निर्देशानुसार पुलिस विभाग में सीधी भर्ती के पदों पर नियुक्ति में छत्तीसगढ़ पुलिस कार्यपालिक (अराजपत्रित) सेवा भर्ती नियम 2006 के नियम 8(2) में निर्धारित आयुसीमा में शिक्षाकर्मियों एवं पंचायतकर्मियों को किसी प्रकार की छूट न दिया जावे |"

7. Reverting to the facts of the present case, admittedly, petitioner was holding the post of Shiksha Karmi by order dated 20/06/2008, as such, he was not entitled for age relaxation as per Rule 8(2) of the Rules of 2006 read with the Circular dated 04/11/2006. Admittedly and undisputedly, petitioner was aged about 33 years

on the date of advertisement and as such, he was over-aged on the date of filing application, therefore, he was not eligible for selection on the post of Sub-Inspector and he has rightly not been selected and appointed on the said post. I do not find any perversity or illegality in the impugned select list (Annexure P/1) as the petitioner has failed to make out a case for interference. Even otherwise, the selected and appointed candidates have also not been made party/respondent in the writ petition, as such, I do not find any good ground to entertain this writ petition.

8. Accordingly, this writ petition stands dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet