

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 702 of 2021**

Heera Lal Rathore S/o Shri Mahadev Prasad Rathore Aged About 44 Years
R/o Poste Jharna, Via Baradwar, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Directorate, Public Instructions, Indrawati Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
3. Joint Director Education Division, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

18/02/2021

1. The present writ petition has been preferred by the petitioner against the order dated 21.01.2021, whereby the petitioner has been declared ineligible for the direct recruitment to the post of Teacher (English) on the ground that the petitioner is over age.
2. The petitioner had applied for the said post of Teacher (English) from the advertisement that was issued on 01.01.2019. The maximum age limit published under the advertisement was 35 years of age. The advertisement also shows that the candidates applying would be entitled for all relaxation of age that are granted by the Government from time to time. The petitioner belongs to the OBC category and thus he has a relaxation of 5 years on the upper age

limit for participating in the recruitment process. The date of birth of the petitioner is 04.09.1976 and as such on the date of advertisement i.e. on 01.01.2019 the petitioner was 42 years of age and a few months. Since the maximum age limit prescribed under the advertisement being 35 years for the general category candidate and 5 years relaxation for candidates belongs to the reserved category and the petitioner belonging to the OBC category was entitled for a relaxation of 5 years more i.e. up till the age of 40 years.

3. The Government of Chhattisgarh, General Administration Department as a policy decision vide their notification dated 30.01.2019 foreseeing the large scale unemployment in the State had decided for enhancing the upper age limit for recruitment for the domiciles of the State of Chhattisgarh by five years, both for the general category candidate as also for the reserved category candidate. In the process the upper age limit for recruitment by virtue of the said relaxation as per the notification dated 30.01.2019 would become 40 in place of 35 and the candidate, who would be entitled for 5 years of relaxation on account of they being in the reserved category, their upper age limit would get enhanced from 40 to 45.
4. Admittedly on the date of the advertisement the petitioner was 42 years of age. He belongs to the OBC category. He is entitled for the relaxation of 5 years, which is otherwise provided by the government for recruitment.
5. On the previous date of hearing, this Court had asked the State counsel to seek instructions as regards the benefit, which the

petitioner is claiming under the notification dated 30.01.2019. Today, the learned counsel appearing for the State submits that he has instructions to say that the petitioner would be entitled for the benefit that flows from the notification dated 30.01.2019 and since the petitioner on the cut-off date was aged around 42 years, he should be given the benefit under the aforesaid notification dated 30.01.2019 and he would become eligible for being considered for the said post.

6. Given the said submission by the learned State counsel, this Court is of the opinion that the writ petition need not be kept pending any further. The writ petition according stands allowed and disposed of at this juncture holding that the impugned order declaring the petitioner to be ineligible to be bad in law. The authorities concerned are directed to consider the petitioner as an eligible candidate subject to his fulfilling all other requisite eligibility criteria and his case be considered in accordance with its own merits.
7. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved