

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1653 of 2020**

Prahlad Kumar Soni S/o Shri Ramnath Ji Soni Aged About 51 Years
Working As Assistant Marshal, R/o Besides Gayatri Mandir, Post Office
Chowk, Ge Road, Rajnandgaon, District Rajnandgaon, C.G.

---- **Petitioner****Versus**

1. Secretary, Vidhan Sabha Sachivalaya Vidhan Sabha Sachivalaya,
Chhattisgarh Vidhan Sabha, Raipur, C.G.
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, C.G.
3. Dashrath Soni S/o Shri Devlal Soni Aged About 35 Years R/o Mahavirpara,
Ward No. 9, Dongargarh, District Rajnandgaon, C.G.
4. Sayyad Abrar Ali S/o Shri Sayyad Anwar Ali Aged About 34 Years R/o
Village Sanwa, Post Sargaon, Tah. Mungeli, District Bilaspur, C.G.
5. Shri Deepak Awasthi S/o Not Known Aged About 36 Years Working As
Assistant Marshal, R/o Zonal Market, Sector-10, Bhilai, District Durg (C.G.)
6. Shri Virendra Singh Chandel S/o Shri Devendra Singh Chandel Aged About
36 Years Working As Assistant Marshal, R/o Station Road, Polsaipar,
District Durg, C.G.
7. Shri Manish Chandrakar S/o Not Known Aged About 30 Years Working As
Assistant Marshal, R/o Village Mujhagahan, Post Sejbahar, District Raipur,
C.G.
8. Shri Dinesh Singh Thakur S/o Shri Girish Singh Thakur Aged About 30
Years Working As Assistant Marshal, R/o Govindpura, Kanker, C.G.
9. Shri Rajesh Kumar Singh S/o Shri Laxmi Shankar Singh Aged About 34
Years Working As Assistant Marshal R/o Kirana Store, Ramnagar, Supela,
Bhilai, District Durg (C.G.)
10. Shri Sushil Kumar S/o Not Known Aged About 35 Years Working As
Assistant Marshal, R/o Bajrangpara, Near Vinay Singh Garage, District
Durg, C.G.

---- **Respondents**

For Petitioner	:	Shri Malay Shrivastava, Advocate.
For Respondent No. 1	:	Shri K. Rohan, on behalf of Mr. Abhyuday Singh, Advocate.

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

16.09.2021

1. The relief sought for by the petitioner herein is seeking for an appropriate relaxation, considering the age at which he is and also considering the length of services put in by the petitioner 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.
2. The present petition has a chequered history in as much as, his appointment was 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 petitioner was 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 petitioner 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.
3. The petitioner through present writ petition seeks 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 petitioner is working.
4. Given the fact that the Writ Court earlier itself in its order dated 11.03.2019 had ordered for granting age relaxation to the petitioner.

Any further relaxation which the petitioner should be entitled for or the relaxation which the petitioner is claiming for, is one which would be now exclusively within the domain of the respondent No. 1.

5. It has been informed by the learned counsel for the petitioner that the petitioner has 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 petitioner on its own merits objectively in accordance to law, at the earliest preferably before the recruitment process is in fact finalized.
6. With the aforesaid observation, the writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge