

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2290 of 2021

1. Ashwani Kumar S/o Deepak Kumar, Aged About 36 Years R/o Ward No. 18, Dallirajhara, Tehsil Dandi, District Balod, District : Balod, Chhattisgarh.

---Petitioner(s)

Versus

1. NMDC Limited Through Managing Director, Khanji Bhawan, 10-3-311/a, Masab Tank, Hyderabad- 500028 (A.P.)
2. General Manager (Personnel), NMDC Limited, Khanji Bhawan, 10-3-311/a, Masab Tank, Hyderabad- 500028 (A.P.)

---Respondents

For Petitioner	:	Shri Sourabh Dangi and Smt. Surya Kawalkar Dangi, Advocates.
For Respondents	:	Shri Vaibhav Shukla and Shri Apurv Goyal, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.04.2021

1. The challenge in the present writ petition is the cut off date for fixing the maximum age for the recruitment to the post of Maintenance Assistant (Electrical) (Trainee).
2. The petitioner seems to be aggrieved by the cut off date fixed by the respondents while issuing the advertisement. The advertisement Annexure P/1 was issued on 08.03.2021. The last date for submission of the application was 15.04.2021. As per the advertisement the cut off date for determination of age of a candidate was the last date of submission of the form i.e. 15.04.2021. The maximum age for participation to the recruitment for a general category candidate or unreserved category was 30 years whereas, for reserved category there was age relaxation of 5 years i.e. up to 35 years.
3. The petitioner admittedly on the date of advertisement was 36 years of age and therefore was age barred from participating in the said recruitment process.

4. The contention of the petitioner has been that the past practice of the respondents was that the cut off date was always on the basis of the year of vacancy. Further that if the advertisement would had been issued on an earlier occasion or for that matter if the cut off date is determined based upon the year when the vacancy had arisen, the petitioner would become eligible for participation in the said recruitment process in respect of the vacancy which had arisen earlier.
5. This court is of the firm view that the ground so raised by the petitioner would not be sustainable for the simple reason that the law on cut off date is by now well settled by the Supreme Court in a catena of decisions whereby it has been categorically held that under the normal circumstances the cut off date should be the 1st of January of the year in which the advertisement is issued or should be the last date of filling up of the application for the said recruitment. Only because in the past if the respondents have deviated in fixing the cut off date in the advertisement, for that reason alone the present advertisement cannot be held to be either contrary to the rules, malafide or arbitrary in any manner.
6. Admittedly in the previous year the respondents could not initiate any recruitment process because of the Covid-19 Pandemic. The respondents cannot be blamed also for not initiating the recruitment process in the prevailing circumstances then and if the respondents have now initiated the recruitment process and have fixed the cut off date extending till the last date of submission of the application, the same cannot be said to be bad in law in any manner.
7. The writ petition thus being devoid of merit deserves to be and is hereby rejected.

Sd/-

(P. Sam Koshy)
Judge