

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 142 of 2021**

- Satyendra Kumar Singh S/o Shri. Nem Singh Aged About 44 Years R/o Qtr, No. 168, Behind Nirmala School, Kosabadi, District- Korba, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh..
2. Chhattisgarh Professional Examination Board Raipur, Through The Secretary, Vyapam Bhawan, North Block, Sector- 19, Atal Nagar, Raipur, Chhattisgarh..
3. Joint Director Education Office, Ghoda Dana School, Tarbahar, Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:-	Ms. Juhi Jaiswal, Advocate
For Respondent-State	:-	Mr. Sudeep Agrawal, Dy.A.G.
For Respondent No.2	:-	Dr. Saurabh Pandey, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ
Hon'ble Shri Parth Prateem Sahu, J.
Judgment On Board

By**Prashant Kumar Mishra, Ag. CJ****16/06/2021**

1. Heard.
2. Petitioner's writ petition challenging his disqualification for recruitment for the post of Teacher (Physical Education), on the

ground of age bar, has been dismissed by learned Single Judge.

3. The maximum age limit prescribed for the subject post was 35 years to be calculated as on 01.01.2019. Admittedly, on the said date, appellant was aged 43 years 6 months and 2 days. Appellant pressed into service provision of clause 6 of the circular dated 30.1.2019 issued by the General Administration Department (GAD), Government of Chhattisgarh, which provides for relaxation for the period of his service as Army man, subject, however, to the fact that the reduction in age to the maximum age limit shall not exceed 3 years. In addition, appellant also claims benefit of age relaxation of 5 years for being domicile of State of Chhattisgarh.
4. While dismissing the writ petition, learned Single Judge has observed thus in paragraph 8 :-

“8.Clause-1 of the advertisement specifically mentions the upper age limit to be 35 years. From the said maximum upper age limit of 35 if the period of service rendered by the petitioner with the armed forces which is 2 years is added, it would only take the age of the petitioner to 37. Further if we add the relaxation of 5 years for being the domicile of Chhattisgarh, it would take the age of the petitioner to 37+5=42. Even then the petitioner would be age barred as his age was more than 43 years and 6 months.”

5. Challenging the impugned order, Ms. Juhi Jaiswal, learned counsel for the appellant would submit that clause 6 of the GAD circular dated 30.1.2019 has not been properly applied by

learned Single Judge. According to learned counsel, his age is required to be reduced by 5 years for being domicile of Chhattisgarh and thereafter by another 2 years 3 months and 15 days for serving as an Ex-Army man during the said period. In substance, it is argued that appellant's age has to be reduced by 5 years + 2 years 3 months and 15 days, therefore, once appellant's actual age i.e., 43 years 6 months and 2 days is reduced by the above said period, he would be 36 years 3 months and 13 days. It is then argued that as per clause 6 of the GAD circular, appellant would again be entitled for relaxation equal to the period of his service as an Army-man and thus appellant would be within the maximum age limit.

6. Having heard learned counsel for the appellant at length, we are not convinced with the submission made. Clause 6 of the GAD circular dated 30.1.2019 provides maximum relaxation of 3 years from upper age limit. This clause has to be read as a whole and not by breaking it into separate parts. The first part provides for relaxation and the second part restricts the maximum relaxation up-to 3 years. It cannot be said that the first part provides for relaxation of entire service rendered as an Ex-Army man and the second part provides for further reduction of maximum age by 3 years. Thus, the clear interpretation of the clause 6 is that the maximum relaxation to an Ex-Army man, on the said count, cannot be of more than 3 years.

7. In our considered opinion, the learned Single Judge has rightly

calculated the age relaxation to which the appellant is entitled and thereafter it is rightly held that the appellant is still barred by his age as he was more than 43 years 6 months as on 01.01.2019.

8. In view of the above, no case for interference in the order passed by the learned Single Judge is made out. Accordingly, the writ appeal is liable to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Parth Prateem Sahu)
Judge

Ayushi