

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3932 of 2021**

Chunni Lal Tandon S/o Shri Tirath Das Tandon, Aged About 31 Years
Occupation - Govt. Service, Presently Working As Assistant Registrar At
Bastar Vishwavidyalaya, Jagdalpur (Chhattisgarh) (Now Known As
Shaheed Mahendra Karma Vishwavidyalaya, Bastar, Jagdalpur,
Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Nava Raipur, Atal Nagar, Raipur (Chhattisgarh)
2. Chhattisgarh Public Service Commission Through - Its Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Neeraj Choubey, Advocate
For State	:	Mr. Amrito Das, Addl. Advocate General
For Respondent no.2	:	Mr. B. D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.08.2021**

1. The petitioner in the present writ petition has sought for a direction to the respondents for permitting him to participate in the recruitment process for the post of Deputy Registrar by way of direct recruitment.
2. The written examination for the said post is scheduled to be held on 26.08.2021 i.e. tomorrow. The petitioner in the present writ petition is working on the post of Assistant Registrar under the Chhattisgarh State University Services. He has more than 5 years of experience of the post of Assistant Registrar and as such he is entitled for being considered for

the next promotional post, that of Deputy Registrar.

3. As per the Chhattisgarh State University Service Rules, 1983, 75% of the post of Deputy Registrar, have to be filled up by way of direct recruitment and 25% posts have to be filled up by way of promotion from the feeder post of Assistant Registrar. The advertisement for filling up of the post of Deputy Registrar by direct recruitment was issued in January, 2021. As per the advertisement, the minimum age limit for participating in the said recruitment process by way of direct recruitment is 35 years and the upper age limit is 50 years. The petitioner in the present writ petition as of now is only 31 years of age and as such he does not fulfill the requisite eligibility criteria so far as the age is concerned.
4. Learned counsel for the petitioner contends that once the petitioner is entitled for being considered for the post of Deputy Registrar among 25% posts to be filled up by way of promotion where there is no age factor hindrance, the petitioner also should be treated as eligible and be permitted to participate in the present recruitment process which is being filled up by way of direct recruitment. He submits that the requisite eligibility criteria, so far as the age is concerned, the same has to be relaxed to the aforesaid extent so that the petitioner becomes eligible to participate. The petitioner at the same time also refers to Annexure P-8 which is a "No Objection" certificate given by the Higher Education Department of the Govt. of Chhattisgarh permitting him to participate in the recruitment process for the post of Deputy Registrar. According to the petitioner, once the State Govt. has granted NOC for participating in the recruitment process, the same has to be construed as an implied relaxation that the State Govt. has provided so far as the minimum age limit prescribed for recruitment to the said post is concerned.
5. However, on perusal of the pleadings particularly the Rules governing the field, it would clearly reflect that the Rules also specifically stipulate

the minimum age for being eligible to participate in the recruitment process for the post of Deputy Registrar by way of direct recruitment is 35 years. The Rules do not provide any power upon the State Authorities or for that matter any other authority, in providing relaxation to the minimum age limit. Moreover, the State Govt. till date has not relaxed the minimum age limit what is otherwise prescribed under the Rules. The said age limit prescribed under the Rules also till date stands good and has not been held to be *ultra vires* any of the constitutional provisions nor has it been held to be bad by any Court of law till now.

6. Though according to the petitioner the Rules are already under challenge in a separate writ petition, as long as the Rules hold the field, any recruitment carried out has to be in accordance with the said Rules and the advertisement in the instant case published for filling up of the post of Deputy Registrar has been strictly in accordance with the Rules so framed by the State Govt. As on date, there is nothing to hold that the advertisement is either contrary to the Rules or is bad in law in any manner.
7. Given the said facts and circumstances of the case, this Court is of the firm view that no case as such has been made out by the petitioner for grant of any relief that he has sought for in the present writ petition.
8. The writ petition thus being devoid of merits deserves to be and is accordingly rejected.

**Sd/-
(P. Sam Koshy)
Judge**