

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 430 of 2014

1. Ramsundar Sahu S/o Late Shri B.R. Sahu Aged About 42 Years R/o C/o Kamdev Sahu, Ramayan Chowk, Chantidih, PS Sarkanda, Bilaspur, Civil and Revenue Distt Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh S/o Through The Secretary, Department of Health and Family Welfare, Mantralaya, Raipur, Distt Raipur, Chhattisgarh.
2. The Director, Directorate of Medical Education, Raipur, Distt. Raipur, Chhattisgarh
3. The Joint Director Health Services, Bilaspur, Distt. Bilaspur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Akshay Uppal, Advocate.
For State	:	Shri S. Gupta, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.02.2021

1. The grievance of the petitioner in this petition is the rejection of the candidature of the petitioner for appointment to the post of Lab Technician (Pathology) on the ground of age bar.
2. It is relevant at this juncture to take note of the fact that advertisement for the said post was published on 25.05.2012. As per the advertisement, the age limit for applying for the said post was minimum being 18 and the maximum being 35 years with the relaxation to the reserved category candidates. The petitioner had applied for the said post under the General Category as such the upper age limit for applying for the said post was 35 years. On the date of advertisement the age of the petitioner was 41 years and 8 months and when the application of the petitioner was considered he was found age barred therefore his candidate was rejected.
3. The contention of the petitioner is that the petitioner ought to had been granted some age relaxation firstly on the ground that the petitioner has served on contractual basis in the same department for a period of roughly

7 years. Secondly, the petitioner was a Green Card Holder and thus he would have got relaxation of age in participation in the recruitment process under the said reservation also.

4. As regards the first contention of the petitioner that he would be entitled for the benefit of age relaxation being a contractual employee in the same department, the circular by which such relaxation is granted specifically states, that the said relaxation can be granted with an upper limit of 38 years of age. Admittedly the petitioner was more than 41 years of age, therefore, the petitioner would not be able to reap the fruit of said circular.
5. As regards the second contention of grant of relaxation on account of being a Green Card Holder even if for argument sake the petitioner is granted relaxation under the said scheme even then the petitioner would only get the advantage of 2 years which will take the petitioner's age from 38 with the relaxation for being in contractual service with another 2 years advantage for being Green Card Holder and which would take the petitioner age to 40 years. However, the position as it stands on the date of advertisement, the age of the petitioner was more than 41 years. Thus, with both the relaxations under the contractual employee category and also with the relaxation of being a Green Card Holder the petitioner added together also would not get the advantage as he had exceeded 40 years of age by then.
6. Under the given facts and circumstances, this court is of the opinion that no strong case is made out by the petitioner calling for an interference or for issuing a writ to the respondents. Thus, the petition being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge