

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 530 of 2017

Basantilata Behera and others ***Appellants***

Mr. A. Patnaik, Advocate

-versus-

State of Odisha and others ***Respondents***

Mr. D.R. Mohapatra, Senior Standing Counsel
For S & ME Department

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
31.10.2022**

Order No.

Misc. Case No.845 of 2017

05. 1. For the reasons stated therein, the delay in filing the present writ appeal is hereby condoned.
2. The application for condonation of delay is allowed.

W.A. No.530 of 2017

3. The challenge before the learned Single Judge was regarding the applicability of the Odisha (Civil Services Fixation of Upper Age Limit) Rules, 1989 which had reduced the upper age limit from 42 to 38 years.

4. The present Appellants were contending that the change was not applicable to them for the purposes of engagement as Sikshya

Sahayaks, since such rule was applicable only to the recruitment in Civil Services or Civil Posts in pensionable establishments. In other words, it was contended by the present Appellants that the upper age limit as far as the recruitment of Sikshya Sahayaks is concerned, should remain as 42 years.

5. From the cause title of the present appeal, it appears that the Appellant Nos.1, 2 and 3 were, at the time of filing of the writ appeal in 2017, aged 38, 39 and 40 years respectively, which means each of them is now 43, 44 and 45 years respectively.

6. Assuming that the Appellants might succeed in this appeal, they would have in any event, crossed the upper age limit of 42 years and are therefore, are no longer eligible for being engaged as Sikshya Sahayaks.

7. Therefore, the present writ appeal has been rendered infructuous and it is disposed of as such.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S. Behera