

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2182 OF 2022

Ritesh S/o Umashankar Chaturvedi, Rajkishor Nagar, Chhatisgadh

-vs-

Western Coal Fields Ltd. GOI Undertaking Thr. Dy. General Manager (P/IR) Coal Estate, Civil
Lines, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Radha M. Mishra, Advocate for petitioner.
Shri A. M. Ghare, Advocate for respondent.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : August 24, 2022

The petitioner has challenged the conduct of examination for the post of Mining Sirdar that was held on 24/04/2022.

According to the petitioner in the employment notification, the minimum age prescribed for being qualified to appear for said examination was 30 years as on 11/10/2021. No examinations were held in 2020 and 2021. As a result the petitioner could not participate in the selection process for those years. When the present notification was issued, the petitioner had crossed the aforesaid maximum age.

The learned counsel for the petitioner has relied upon the decision of the Honourable Supreme Court in Civil Appeal No.2016 of 2022 (*High Court of Delhi vs. Devina Sharma*) dated 14/03/2022 and has urged that the petitioner be

permitted to take such examination despite having crossed the maximum age of qualification.

It is rightly pointed out on behalf of respondent No.1 that in the aforesaid judgment concession given by the respondent therein was accepted and the candidates who had crossed the upper age limit were permitted to appear in the said examination.

We find that there may be many candidates similarly situated as the petitioner who would have otherwise participated in the selection process had the upper age limit been relaxed. The examination in question was held on 24/04/2022. In absence of any legal right of the petitioner being infringed, it will not be permissible to modify the criteria of the employment notification as regards the maximum age limit. The writ petition is therefore dismissed. No costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)