

06.02.2023

WPST 50 of 2022

Court : 04
Item : 36
Matter : WPST
Status : DISMISSED
Transcriber: nandy

Saikat Kumar Chattopadhyay

Vs.

The State of West Bengal & Ors.

Mr. Sk. Intiaj Uddin, Advocate

.....for the Petitioner

Ms. Chaitali Bhattacharya, ADvocate

Mr. Subhendu Roychowdhury, Advocate

.....for the State

This writ-petition has been filed by the petitioner challenging an order dated 22.03.2022 passed by the State Administrative Tribunal in OA 706 of 2021 whereby and whereunder his prayer for relaxation of the upper age limit for the post of Medical Technologist (Lab), Gr-III under the Health and Family Welfare Department, Government of West Bengal, has been rejected by the Tribunal.

As per the recruitment process, the age of the candidate should not be less than 21 years and more than 39 years as on 01.01.2021. The petitioner is admittedly born on December 4, 1981 meaning thereby he has crossed the prescribed age limit i.e. 39 years as on January 1, 2021.

Since the petitioner belongs to unreserved category, the relaxation for upper age limit is not applicable to him. It is submitted on behalf of the petitioner that in other Government Department the upper age limit is fixed at 40 years and, therefore, the same age limit may be considered in respect of filling up of the post of Medical Technologist (Lab), Gr-III also.

As the petitioner was not considered for the said post, he thereafter, preferred an application before the Tribunal which was rejected on the ground that as the cut-off age for the said post is fixed at 39 years, Court cannot direct relaxation of the upper age limit.

It appears from the documents that the date of birth of the present applicant is December 4, 1981 and so admittedly he has crossed the upper age limit of 39 years (as fixed by advertisement) on 01.01.2021.

Since the authority has fixed the upper age limit considering the nature of the job so it would not be proper to interfere with the decision of the authority fixing the upper age limit.

Therefore, we do not find any merit in the instant writ-petition to interfere with the impugned order passed by the Tribunal and the same being **WPST 50 of 2022** is hereby **dismissed**. No order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

