

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT APPEAL NO: 734 OF 2023

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 07/07/2023 in W.P. No. 17578 of 2023 on the file of the High Court.

Between:

Kurma Laxman, S/o Kurma Srinivas, Aged about. 33 Yrs., Caste. BC-D, Occ. un-employed, R/o 4-2/1, Ramaiahpally, Budhavarampeta, Ramagiri Mandal, Peddapalli District, Telangana State -PIN 505184

...APPELLANT/PETITIONER

AND

1. The Telangana State Level Police Recruitment Board (TSLPRB), DGP Office Complex, Lakdikapul, Hyderabad. Rep. by its Chairman
2. The State of Telangana, Rep. by its Principal Secretary, Home Department, Dr.B.R. Ambedkar Telangana Secretariat, Hyderabad.

...RESPONDENTS

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed by Honourable Single Judge, High Court for The State of Telangana, Hyderabad in W.P.No.17578 of 2023 dt.07/07/2023, Pending the writ appeal

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent state to consider the age of candidature on par with notification date 25/04/2023 but not par with scrutiny date and other restrictions

in light of earlier notification Rc.No.151/Rect/Admin.1/2015 dated. 31/12/2015 in similar appointment practice declare the result along with other candidates of selection list, pending the writ appeal

Counsel for the Appellant: SRI PONAMPELLI RAVI

**Counsel for Respondents: SPECIAL GOVERNMENT PLEADER FOR
GP FOR HOME**

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT APPEAL No.734 OF 2023

JUDGMENT: (per AKS,J)

This Writ Appeal is filed aggrieved by the order, dated 07.07.2023, passed in W.P.No.17578 of 2023 by a learned Single Judge of this Court.

2. Heard Sri P. Ravi, learned counsel for the appellant and the learned Special Government Pleader appearing for the respondents.

3. Learned counsel for the appellant had contended that the appellant is fully eligible and qualified to be appointed to the post of Stipendiary Cadet Trainee Police Constable (SCTPC) (Civil). The respondents have issued a notification on 25.04.2022 inviting applications for filling up the posts of SCTPC (Civil). The upper age limit prescribed for the said post is 22 years. However, the Government of Telangana had issued G.O.Ms.No.48, dated 13.04.2022, wherein the upper age limit prescribed for direct recruitment has been raised by three years for uniformed services including Police, Fire Services, Prisons and Special Protection Force Departments. Further, as the appellant

is a member belonging to Backward Class (BC) community, another five years is relaxable in respect of BCs. Further, in view of COVID-19 pandemic, another two years was relaxed by the Government, which would mean the maximum age limit for the appellant for appointment to the post of SCTPC (Civil) is 32 years. Learned counsel further contended that as on the date of notification, the appellant was well within the age. However, in the subject Notification, dated 25.04.2022, it is mentioned that the upper age limit has to be considered as on 01.07.2022. Since the respondents have fixed the cut-off date as 01.07.2022, the appellant was eliminated from the selection process. Aggrieved by the same, the appellant has filed the subject Writ Petition No.17578 of 2023 before this Court and a learned Single Judge of this Court *vide* impugned order, dated 07.07.2023, was pleased to dismiss the subject Writ Petition, without appreciating any of the contentions raised by the appellant.

4. Learned counsel for the appellant further contended that the very same respondents have issued a recruitment notification in the year 2015, wherein there was no mention that the upper age limit has to be considered as on 1st day of July and the same practice ought to have been adopted by the respondents this time also, which would make the appellant

eligible, as admittedly, as on the date of issuance of subject notification, the appellant is well within the age prescribed. If the cut-off date is taken as 01.07.2022, the appellant would be crossing the upper age limit prescribed in the subject notification. Therefore, appropriate orders be passed in the Writ Appeal by directing the respondents to permit the appellant to participate in the selection process, by treating that the appellant is well within the age prescribed in the subject notification, as the appellant is within the age limit as on the date of issuance of the subject notification.

5. On the other hand, learned Special Government Pleader appearing for the respondents had contended that the cut-off date for upper age limit in the subject notification is prescribed as 01.07.2022, as per Rule 12(v) of the Telangana State and Subordinate Service Rules, 1996 (for short, 'the Rules'). A perusal of Rule 12(v) of the Rules would make it clear that the 1st day of July of the year in which the notification is issued, is to be considered as the cut-off date and as the subject notification was issued in the year 2022, as per the aforesaid Rule, the cut-off date is prescribed as 01.07.2022. Therefore, the learned Single Judge was justified in dismissing the subject Writ Petition, as the appellant is not fulfilling the age criteria, as prescribed in

the subject notification. Therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that the cut-off date for upper age limit prescribed in the subject notification i.e., 01.07.2022, is as per Rule 12(v) of the Rules and the learned Single Judge was justified in dismissing the subject Writ Petition, as the appellant has crossed the upper age limit prescribed in the subject notification. Moreover, the appellant has not challenged the said Rule. In the absence of the same, this Court cannot come to the rescue of the appellant. Therefore, this Court has no other option except to dismiss the appeal.

7. Accordingly, the Writ Appeal is dismissed. It is needless to say that the appellant would be at liberty to submit an application to the respondents in terms of Clause 36 of the subject Notification, dated 25.04.2022, seeking relaxation of the upper age limit and upon such application being made, the respondents shall consider the same and pass appropriate orders, in accordance with law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Appeal
shall stand closed.

//TRUE COPY//

SD/-I.NAGALAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Telangana State Level Police Recruitment Board (TSLPRB),
DGP Office Complex, Lakdikapul, Hyderabad.
2. The Principal Secretary, Home Department, State of Telangana, Dr.B.R.
Ambedkar Telangana Secretariat, Hyderabad.
3. One CC to Sri Ponampelli Ravi Advocate [OPUC]
4. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
5. Two CCs to the Special Government Pleader, High Court for the State of
Telangana. [OUT]
6. Two CD Copies

MBC

BS

HIGH COURT

DATED: 26/07/2023



JUDGMENT

WA.No.734 of 2023

DISMISSING THE WRIT APPEAL

WITHOUT COSTS

22/08/2023
[Signature]