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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: April 06, 2023

- (i) + W.P.(C) 4185/2023
SANTRAM PATEL AND ORS.
- (ii) + W.P.(C) 4186/2023
ROHIT KUMAR RUNDLA AND ORS.
- (iii) + W.P.(C) 4187/2023
RAHUL KUMAR AND ORS.
- (iv) + W.P.(C) 4199/2023
ANIL KUMAR AND ORS.
- (v) + W.P.(C) 4228/2023
YOGESH AND ORS. Petitioners

Through: Mr. Ajay Garg, Ms. Tripti Gola,
Ms. Lhingdeihat Chongloi &
Mr. Arvind Sardana, Advocates

Versus

CENTRAL RESERVE POLICE FORCE AND ANR.

..... Respondents

Through: Mr. Ripu Daman Bhardwaj, Central
Government Standing Counsel
Ms. Ritu Reniwal, Senior Panel
Counsel with Mr.Nishant Prateek,
Government Pleader
Mr. G.D. Sharma, Senior Panel
Counsel with Ms.Rachna Sharma,
Advocate & Mr. Deepak Tanwar,
Government Pleader
Mr. Sameer Sharma, Advocate with
Mr.Rishabh Sahu. Government
Pleader
Mr. Abhay Singh & Mr. Anshul
Bhardwaj, Advocates with Mr.Kabir
Hazarika, Government Pleader

Mr. Bhagwan Swarup Shukla, CGSC
& Mr. Vikrant, Advocate with
Mr. Saran Kumar, Government
Pleader

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T (oral)

CM No. 16216/2023 in W.P.(C) 4185/2023

CM No. 16218/2023 in W.P.(C) 4186/2023

CM No. 16220/2023 in W.P.(C) 4187/2023

CM No. 16234/2023 in W.P.(C) 4199/2023

CM No. 16432/2023 in W.P.(C) 4228/2023

1. Allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 4185/2023 & CM APPL.16215/2023

W.P.(C) 4186/2023 & CM No. 16217/2023

W.P.(C) 4187/2023 & CM No. 16219/2023

W.P.(C) 4199/2023 & CM No. 16233/2023

W.P.(C) 4228/2023 & CM No. 16431/2023

3. These petitions have been preferred by the petitioners seeking a writ of mandamus by way of direction to the respondents to relax the upper age limit in case of petitioners for appearing in the examination for recruitment to the post of Constable (Technical & Tradesmen) (Male/Female) including Constable (Driver) in CRPF-2023, in Central Reserve Police Force (CRPF) issued vide advertisement dated 15.03.2023.

4. Learned counsel appearing on behalf of petitioners submits that

petitioners are aspirants for recruitment to the post of Constable (Technical and Tradesmen) and they possess the requisite educational and technical qualifications, however, they are unable to apply for these posts for the CRPF examination-2023 as they are over-aged.

5. Learned counsel further submits that the petitioners belong to all categories i.e. General category (Unreserved category), reserved SC/ST category, OBC category and EWS category etc. The prescribed maximum upper age for these posts as per the advertisement issued on 15.03.2023 is 23/27 years for General; 28/32 years for SC/ST and 26/30 years for OBC by 01.08.2023 but the petitioners have crossed the upper age as applicable on 01.08.2023 and, therefore, they are not eligible to apply and appear in the said examination.

6. Learned counsel for petitioners has drawn attention of this Court to the fact that no examination for recruitment to the post of Constable (Technical & Tradesmen) (Male/Female) in CRPF has been conducted in the years 2018, 2019, 2020, 2021 and 2022, although, there were about 8000-9000 vacancies. It is submitted that this Court in W.P.(C) No. 90/2033, titled as *Sachin & Ors. Vs. Central Reserve Police Force* vide decision dated 20.01.2023 has granted three years age relaxation for recruitment to the post of HC (Min) in CRPF. Attention of this Court is also drawn to another decision of this Court in *Nitish Kumar and Others Vs. Union of India and Another* 2023 SCC OnLine Del 1542, wherein two years age relaxation for recruitment to the post of Sepoy Pharma in Indian Army has been granted by this Court. Lastly, learned counsel has prayed that relaxation of three/four years as One Time Measure in the upper age limit be

granted to the petitioners.

7. Notice issued.

8. Learned counsel appearing on behalf of respondents accept notice in their respective petitions. The stand of respondents for delay in non-advertising the vacancies in the years 2018, 2019, 2020, 2021 and 2022 is due to spread of Covid-19 Pandemic.

9. Upon hearing learned counsel for the parties and on perusal of material placed before this Court as well as decisions cited, we find that petitioners are aspirants to apply for different posts in CRPF and since no notification or advertisement to fill the vacancies accrued in CRPF since the years 2018 till 2022 has been published, they have not been able to apply and get their placements in CRPF. This Court in ***Sachin (Supra)*** and ***Nitish Kumar (Supra)*** in somewhat similar facts and circumstances has relaxed the upper age limit for the aspirants while relying upon decision of Hon'ble Supreme Court in Civil Appeal No. 2016 of 2022 (Arising out of SLP (C) No. 4452 of 2022) titled as ***High Court of Delhi Vs. Devina Sharma***, wherein petitioner had sought relaxation in upper age limit for appearing in Delhi Judicial Service Examination and Delhi Higher Judicial Service Examination-2022, on the plea that if High Court of Delhi had conducted examination in the year 2020 and 2021, such candidates would have been within the age limit in the said years, and the Supreme Court observed and held as under:—

“18. The time schedule for conducting the recruitment process to the judicial service has been stipulated by the judgment of this Court in Malik Mazhar Sultan (3) v. Uttar Pradesh Public Service

Commission. The object and purpose of the directions of this Court has been to ensure that the 6 (2008) 17 SCC 703 CA 2016/2022 10 recruitment process for the judicial service is conducted on schedule every year, subject to the rules of each High Court. The High Court of Delhi held its last examination for recruitment to DJS in 2019. Admittedly, no examination has been held in 2020 or in 2021. The examination for 2020 could not be conducted since the process for 2019 was still to be completed. The examination for 2020 could not be held due to the onset of the Covid-19 pandemic. In this backdrop, since the examination was not conducted for two recruitment years, the High Court has after considering the issue stated before this Court through the learned senior counsel that as a onetime measure, this Court may accept the suggestion that candidates who would have qualified for the examinations were they to be held on schedule for recruitment years 2020 and 2021 in terms of the rules as they then stood, may be permitted to appear for the ensuing examinations.

19. Having regard to the fact that the recruitment examination for DJS has been last held in 2019 and two recruitment years have elapsed in the meantime, we are of the view that the suggestion of the High Court should be accepted for this year. The consequence of the acceptance of the suggestion by this Court, would be that candidates who would have fulfilled the upper age limit of 32 years, for the recruitment years 2020 and 2021 would be eligible to participate in the examination for the ensuing recruitment year 2022. The age bar which they would now encounter is not of their own volition. The real element of hardship faced by such candidates has been remedied by the CA 2016/2022 11 High Court and there is no reason for this court not to accept the suggestion. The examination

cannot however, be postponed indefinitely nor can the candidates who have applied be left in a state of uncertainty. The existing candidates can have no grievance by the widening of the competition. In order to facilitate this exercise, we accept the suggestion of the High Court that the last date for the receipt of application forms shall be extended to 3 April 2022 and the examination shall be held on 24 April 2022. We direct that no impediment shall be caused in the conduct of the examination and no court shall issue any order of stay at variance with or contrary to the above directions of this Court.

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28. During the course of the hearing, this Court has been apprised of the fact that several applicants for the higher judicial service examination would have qualified in terms of the upper age limit of 45 years in 2020 or, as the case may be, 2021. As a matter of fact, Mr. A.D.N. Rao indicates that he has instructions to the effect that some of those candidates may already have or would be in the process of moving petitions before the High Court. The CA 2016/2022 17 reasons which have weighed with this Court in allowing the High Court, as a one-time measure, to permit candidates for the DJS examination who had qualified in terms of the upper age limit of 32 years during the recruitment years 2020 and 2021, should on a parity of reasoning be extended to candidates for the DHJS examination who would have qualified in terms of the upper age limit of 45 years during the recruitment years 2020 and 2021 during which no examinations could take place for the reasons which have been noticed earlier.”

10. Relevantly, this Court in ***Sachin (Supra)*** and ***Nitish Kumar (Supra)***

has relaxed the upper age limit of petitioners and similarly situated applicants to not only enable them to apply for different posts in Force, but also keeping in view that the Forces of this Country also require such aspirants who are eligible and keen to join the Force in the interest of nation.

11. In the light of aforesaid, we find that these petitions deserve to be and are accordingly allowed on parity with *Sachin (Supra)* and *Nitish Kumar (Supra)* as well as on merits.

12. This Court is informed that the last date for submission of applications in respect of the advertisement in question is 25.04.2023. The respondents are accordingly directed to issue a Corrigendum within a week declaring relaxation of age of three years as One Time Measure and also extending the date of inviting applications.

13. With directions as aforesaid, these petitions are accordingly disposed of. Pending applications are disposed of as infructuous.

14. A copy of this order be given *dasti* under the signatures of Court Master to counsel representing both the sides.

(SURESH KUMAR KAIT)
JUDGE

(MANMEET PRITAM SINGH ARORA)
JUDGE

APRIL 06, 2023

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