

29.08.2024

Sl. No.37

Ct. No.30

sg

WPA/20824/2012

**Reboti Mahara
Vs.
The Union of India & Ors.**

Mr. Sanjib Das,

....for the petitioner.

Mr. Arijit Majumdar,

.... for the UOI.

Affidavit-of-service filed be kept with the record. Legal Aid Counsel appointed to represent the writ petitioner has argued in the present case in presence of the learned Counsel for the Union of India.

The instant writ petition was filed in the year 2012 praying for direction upon the respondent authorities to permit the writ petitioner to sit for the written examination as she had qualified in the physical test conducted by the authorities concerned. Learned Counsel for the respondents submits that after physical test were conducted the qualified candidates were directed to produce the relevant documents in respect of their qualification to be appointed to the concerned post.

At the relevant time the writ petitioner produced certificate from the Village Panchayet which was dated 12th January, 2012 in support of her residential certificate. The valid certificate as per law was not available with the writ petitioner at the relevant time.

Subsequently due to non-availability of the relevant documents the petitioner was not permitted to sit for the said examination in the respective year.

The petitioner acquired a valid residential certificate subsequently dated 12.3.2012 but by then the formalities of conducting written examination was over in the said year. As a result writ petitioner could not sit in the written examination.

It is further submitted by the learned Counsel for the respondents that subsequently almost every year, recruitments have been conducted but the writ petitioner did not avail of the opportunity to appear in the said examinations.

It appears the present writ petition was moved in the year, 2012. No interim order was either prayed for or granted by the Court who heard the same as such the writ petitioner could have availed of the subsequent opportunities for being recruited, which she did not attempt.

It is further submitted that considering the nature of the post applied for the cut off age for the general candidate is 23 years and relaxation of five years in case of special status that is 28 years.

Admittedly the writ petitioner is now 31 years of age and as such is beyond the age of recruitment to such post. Though the respondents have shown their intention of accommodating the writ petitioner but the rules sadly do not help the writ petitioner.

There is no denial that the valid certificate could not be produced by the writ petitioner at the appropriate time. As such, this Court finds no irregularity in the process or the procedure adopted by the respondents herein and at this stage no relief as prayed for can be granted by this Court.

Writ petitioner is accordingly dismissed and disposed of.

All connected applications stands disposed of.

Interim order, if any stands vacated.

In case the writ petitioner approaches the respondent with a fresh representation, the same may be disposed of within a period of three months in accordance with law.

Urgent xerox Photostat certified copy of this order, if applied for, be supplied to the parties upon completion of all formalities.

(Shampa Dutt (Paul), J.)