



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.7470 of 2017

TULARAM SHANKAR ZODE

VS

**THE PRESIDENT CUM DISTRICT DEPUTY REGISTRAR, GONDIA AND 4
OTHERS**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.K. Tambde, Advocate for the Petitioner
Shri N.S. Rao, AGP. for the Respondent Nos.1, 3, 4 and 5/State
Shri A.M. Ghare, Advocate for the respondent No.2

CORAM : ANIL S. KILOR, J.

DATED : 29.01.2024

1. Heard.
2. A grievance raised in the present writ petition is that, the respondents authorities wrongly declared the petitioner as age barred to appoint as 'Group Secretary' in the Vividh Karyakari Seva Sahakari Sanstha, Arjuni Mor.
3. The learned counsel for the petitioner makes following submissions:
 - (a) In the advertisement, there was no age limit given;
 - (b) the age limit was subsequently amended and as per the amended age limit, the requirement of minimum age is 23 years and maximum age is 45 years;
 - (c) on the date of publication of the advertisement, the age of the petitioner was 40 years and accordingly, he is eligible to be appointed as 'Group Secretary'.

4. The learned AGP opposed the present petition and makes following submissions:

(a) As per Circulars dated 13.05.2016 and 18.07.2016 issued by the Commissioner for Corporation and Registrar of Co-operative Society, Pune, the maximum age limit prescribed i.e. 45 years was for the candidates who are in the service and who are having work experience;

(b) The petitioner cannot be treated as in service candidate or the candidate having work experience.

5. In light of the rival submissions of the parties, I have perused the record and the impugned order.

6. The Circular dated 13.05.2016 has two categories i.e. one is 'क' and second is 'ख', for the appointment of Group Secretary.

7. The category 'क' is in respect of fresh candidates, who are not in service and therefore, there is no a condition of having any experience.

8. The second category is 'ख' which relates to 'Clerk' working in the department, having work experience and for this category, the minimum age limit was 23 years and maximum 35 years. Whereas, the upper age limit was amended vide Circular dated 18.07.2016 and the maximum age limit was enhanced to 45 years.

9. The Circular dated 18.07.2016 makes it clear that it relates to the category 'ख' and not relating to category 'क' to which the petitioner belongs to.

10. In the circumstances, though in the advertisement, there is no mention of such category and age limit, in absence of any dispute raised by the petitioner about the applicability of the Circular dated 13.05.2016 and 18.07.2016, I have no hesitation to hold that the respondents authorities have committed no error in declaring the petitioner as age barred for the appointment of 'Group Secretary' in Vividh Karyakari Seva Sahakari Sanstha. Accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]