
(1988) 10 GUJ CK 0001
In the Gujarat High Court

Mukeshkumar Maganlal Patel and Others	APPELLANT
Vs	
Director of Primary Education, Gujarat State and Another	RESPONDENT

Date of Decision : 19-10-1988

Acts Referred:

Gujarat Panchayat Service (Recruitment of Primary Teachers) Rules, 1970 — Rule 4

Citation : (1989) 2 GLR 1135

Hon'ble Judges : A.P. Ravani, J

Bench : Single Bench

Judgement

A.P. Ravani, J.—Rule. Mr. R.P. Solanki waives service of rule on behalf of the respondents.

2. The petitioners applied for the post of Primary School Teacher pursuant to an advertisement dated December 9, 1987 which has been produced at annexure "A" to the petition. The petitioners have been excluded from interview on the ground that they are not eligible as they have not completed 18 years of age on the relevant date. Rule 4 of the Gujarat Panchayat Service (Recruitment of Primary Teachers) Rules, 1970 prescribes the eligibility criteria, which inter alia provide that to be eligible for appointment, a candidate must not be less than 18 years and not more than 28 years of age Explanation to the aforesaid Rule reads as follows:

Explanation: for the purpose of this rule, a candidate shall be deemed to have attained the age limit, if he attains such age limit before the first July of the year in which the recruitment is made.

3. The learned Counsel for the respondents states that the term year in explanation should be read as school year which has been defined as the period commencing from 1st June and ending on 31st May. Even if the contention of the learned Counsel for the respondents is taken as legal and valid, it is an admitted position that the recruitment process was started after May 31, 1988. Therefore, the recruitment year would be the year 1988. Hence the age of the candidates

concerned as on 1st July, 1988 will have to be taken into consideration and not on 1st July, 1987. If the petitioners' age is considered as on 1st July, 1988 all the petitioners would be eligible as far as the criterion regarding age is concerned. On this point there is no dispute. It is also not in dispute that only on the ground of aforesaid alleged ineligibility all the petitioners have not been called for interview. However, in above view of the matter the respondents' stand cannot be upheld, and the petitioners should be called for interview as they have completed 18 years of age on July 1, 1988.

4. In the result the petition is allowed. The respondents are directed to consider the petitioners immediately as eligible and call them for interview and if they succeed they may be placed at appropriate rank in the select list that may be prepared pursuant to the interview, provided, however, if they are Otherwise eligible. Rule made absolute accordingly.