
(2018) 05 CHH CK 0101
In the Chhattisgarh High Court
Case No : WPS No. 1693, 1735 of 2018

Prem Das Banjare

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 01-05-2018

Acts Referred:

Citation : (2018) 05 CHH CK 0101

Hon'ble Judges : P. SAM KOSHY, J

Advocate : N.N.Roy, Alok Bakshi, Adhiraj Surana

Final Decision : Dismissed

Judgement

1. The relief sought for by the petitioners in the present two Writ Petitions is for quashment of the advertisement dated 08/01/2018 so far as the post

of Assistant Grade-III/Data Entry Operator is concerned.

2. The counsel for the petitioners submits that, it is a case where the petitioners had tried to apply for filling up the post of Assistant Grade-III/Data

Entry Operator, but their applications could not be considered on the ground of the petitioners having crossed the permissible age limit. He further

submits that, the advertisement issued and clause-IV pertaining to the age limitation is concerned, the same is in contravention to the rules. He further

submits that, all the petitioners before this Court were working as a Daily Wage Employee from last more than 9-15 years and the authorities

concerned ought to have taken care of their services and an appropriate age relaxation for the services rendered by the petitioners as a Daily Wage

Employees with the respondents also should have been provided.

3. Perusal of record would show that the Annexure-P/1 is an advertisement and clause 4 deals with the prescribe age for applying. For ready

reference, clause-4 is reproduced herein under:-

^4- vk;q lhek %& vH;kFkhZ dh vk;q fnukad 01-01-2018 dks 18 oâ??kZ ls de rFkk 30 oâ??kZ ls vf/kd u gks] ijUrq NRrhlxvf/kdre vk;q lhek 35 oâ??kZ ds LFkku ij 40 oâ??kZ gksxhA N-x- 'kklu }kjk kksfâ?kr vuqlwfpr tkfr@vuqlwfpr tutkfr@vU; fiNMk oxZ@efgyk rFkk vU;

ik= vH;kfFkZ;ksa dks 'kklu ds fu;ekuqlkj vk;q lhek esa NwV nh tkosxA**

4. From the contents of the documents what clearly reflect is that the authorities concerned had granted the age limit for the candidates belonging to

the State of Chhattisgarh up to the age of 40 years. In addition the rules of age relaxation applicable to the reserved category candidates so also for

the other categories like women, etc. were also made applicable.

5. Given the aforesaid facts and circumstances of the case, this Court does not find any good reason as to why the petitioners No.3-6 could not have

participated in the recruitment process.

6. So far as their services rendered as a Daily Wage Employees is concerned, this Court does not find it to be a strong ground for grant of age

relaxation for the simple reason that it is settled position of law that, a Daily Wage Employee do not carry an indefeasible right in his favour so far as

the work that he has discharged in a particular department in the capacity of a Daily Wage Employee.

7. The counsel for the petitioners also is not in a position to show that there was any rules or guidelines framed by the State Government whereby the

relaxation of age would be given to a Daily Wage Employee.

8. So far as the petitioners No. 1 & 2 are concerned, the petitioners No. 1 & 2 as they had crossed the age of 40 which was the maximum age

permissible under the normal circumstances for a candidate belonging to the State of Chhattisgarh and if at all if the petitioners No. 1 & 2 were

entitled for any sort of age relaxation under the Government rules, they were not precluded from applying under the said clause.

9. In the absence of any substantive materials produce by the petitioners to substantiate that at any point of time they were precluded from applying in

the recruitment process, the filing of the Writ Petition after more than a month from the date of publication of the advertisement would not give any

force to the petitioners claim.

10. This Court does not find any strong case made out by the petitioners calling

for an interference with the advertisement so published.

11. The Writ Petition accordingly being devoid of merit deserve to be and is accordingly rejected.