
(2014) 06 CHH CK 0007
In the Chhattisgarh High Court
Case No : W.P. (S) No. 5135 of 2010

Rajkumar Tiwari

APPELLANT

Vs

State of C.G.

RESPONDENT

Date of Decision : 19-06-2014

Acts Referred:

Citation : (2014) 4 CGLJ 16

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Parag Kotecha, Advocate for the Appellant; Shashank Thakur, Govt. Advocate and Pawan Kesharwani, Advocate for the Respondent

Judgement

Prashant Kumar Mishra, J.

1. Petitioner has preferred this writ petition seeking quashment of the order Annexure P/4 passed by the Jila Panchayat, Raipur under the signature of Assistant Project Officer, Jila Panchayat, Raipur informing the petitioner that he was not allowed to appear in the counseling because on the cut off date i.e. on 01/01/2010 the petitioner had crossed the maximum age limit of 35 years for selection as Shiksha Karmi Grade-I. Shorn of unnecessary details, suffice it would be to mention that pursuant to the advertisement Annexure P/1 for recruitment of Shiksha Karmi Grade-I and Grade-II the petitioner applied for the post within the time limit along with certificates of his credential both educational as well as for eligibility qualification. Petitioner also submitted the certificate of sterilization issued by the Assistant Surgeon of Community Health Center, Durgukondal, District North Bastar Kanker.

2. Learned counsel for the petitioner would submit that petitioner's date of birth being 22/06/1973 he was more than 35 years of age on the cut off date i.e. 01/01/2010, however, in view of Rule 9(1)(d) of the Chhattisgarh Panchayat Service (Recruitment & General Conditions of Service) Rules, 1999 the petitioner is entitled for relaxation upto two years in the upper age limit as he is possessed

of sterilisation certificate under the Family Welfare Programme. In the return filed by the respondent No. 2 & 3 it has been stated that petitioner did not produce green card along with his application form, therefore he was not granted benefit of relaxation in the upper age limit, however, in the matter of Abdul Ahmad Khan v. State of Chhattisgarh & another, [W.P.(S) No. 2309 of 2013] this Court, after relying on its previous judgment in the matter of Vishvanath Sinha v. State of Chhattisgarh and another, [W.P.(S) No. 4208/2010] it has been held that even if the green card is not given, for which the person concerned was entitled, he would be equally entitled to the reliefs as provided under the circular dated 30/11/1989, on the basis of sterilisation certificate.

3. In the matter of Dr. (Major) Thakur Ajit Singh and others v. State of Chhattisgarh & others decided on 27/09/2010 this Court has held that a person having undergone sterilization operation or a green card holder is entitled for all the benefits under the circular dated 30/11/1989. It has been stated at the bar that this judgment has been affirmed by Division Bench of this Court. For the foregoing, this Court is of the opinion that the petitioner was entitled for age relaxation upto two years in the maximum age limit. Accordingly, the respondents No. 2 & 3 are directed to reprocess the petitioner's candidature after giving him age relaxation upto two years and thereafter if the petitioner is fully qualified and eligible and any person who is less meritorious than the petitioner has been offered appointment on the post of Shiksha Karmi Grade-I, the petitioner's case shall also be considered for appointment. The needful shall be done within a period of two months from the date of production of certified copy of this order before the competent authority.