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WA-1811-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

&amp;

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 3<sup>rd</sup> OF JUNE, 2026WRIT APPEAL No. 1811 of 2026*SURYAKANT TIWARI**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Hindesh Pal -Advocate for appellant.

Shri Manas Mani Verma -GA for the respondents/State.

Shri Aditya Pachori -Advocate for respondent No.2.

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ORDER

*Per. Justice Jai Kumar Pillai:*

1. By way of the present appeal, the appellant has approached this Court under Article 226 of the Constitution of India, challenging the impugned order dated 06.05.2026 passed by the Hon'ble Single Bench in W.P. No. 17488/2026.

2. Through the impugned order, the learned Single Bench dismissed the writ petition challenging the non-grant of age relaxation to the Economically Weaker Section (EWS) category candidates in the recruitment process for the post of Assistant District Public Prosecution Officer (ADPO).



3. The primary relief sought is the setting aside of the impugned order, quashing/modification of the advertisement dated 10.03.2026 issued by the respondent No. 2 (MPPSC), and a writ of mandamus directing the respondents to extend the benefit of age relaxation to EWS candidates and permit provisional participation in the examination.

#### **Facts of the Case**

4. The appellant is a practicing advocate enrolled with the State Bar Council of Madhya Pradesh (Enrolment No. MP-1436/2007) and practices at the Rewa Court. The appellant belongs to the Economically Weaker Section (EWS) category and possesses a valid EWS certificate for the financial year 2025-26.

5. Previously, the respondent No. 2 issued Advertisement No. 03/2021 dated 07.06.2021 for the ADPO eligibility examination. The appellant participated in the said examination by fulfilling all criteria but did not succeed.

6. After a lapse of five years, respondent No. 2 issued the impugned Advertisement No. 03/2026 dated 10.03.2026 for the same post, with the last date for submitting applications being 08.05.2026. The maximum age limit prescribed is 40 years, to be reckoned as on the cut-off date of 01.01.2027.

7. Under the impugned advertisement, age relaxation has been granted to Scheduled Caste, Scheduled Tribe, and Other Backward Classes candidates, but no such age relaxation has been provided to candidates



belonging to the EWS category.

8. As on the cut-off date, the appellant is 43 years old, exceeding the prescribed age limit by three years. Due to the absence of age relaxation, the online portal treated the appellant as age-barred and prevented the submission of the application form.

9. Aggrieved by this, the appellant filed W.P. No. 17488/2026, which was dismissed by the learned Single Judge observing that:

“6. Accordingly, this Court is of the opinion that the State Government already framed the rules to determine the categories to which the reservation and relaxation/concession has to be given and there is no question to claim concession and reservation before this Court and therefore, this writ petition is dismissed.”

### **Contentions of the Petitioner**

10. The appellant contends that the exclusion of EWS candidates from age relaxation, despite the grant of reservation under Articles 15(6) and 16(6) of the Constitution of India, is arbitrary, discriminatory, and violative of Articles 14 and 16.

11. It is submitted that the State has created an artificial and irrational classification among similarly situated reserved category candidates (SC/ST/OBC vis-a-vis EWS) without any intelligible differentia, amounting to hostile discrimination.

12. The appellant further contends that providing reservation without incidental benefits such as age relaxation renders the constitutional



benefit under Articles 15(6) and 16(6) wholly illusory, ineffective, and merely symbolic, defeating the purpose of the 103rd Constitutional Amendment.

13. It is argued that the appellant exceeded the age limit by only three years solely due to the prolonged administrative delay of five years by the respondents in conducting the examination. The respondents cannot take advantage of their own inaction to deprive eligible candidates.

14. The appellant highlights that other recruiting authorities, such as the Rajasthan Public Service Commission and Rajasthan Staff Selection Board, have expressly granted 5 to 10 years of age relaxation to EWS candidates, demonstrating that such a benefit is administratively feasible and legally permissible.

15. Lastly, reliance is placed on interim orders passed by coordinate Benches of this Court in W.P. No. 38536/2025 and W.P. No. 3294/2026, where similarly situated EWS candidates were permitted to participate provisionally, arguing that judicial consistency requires similar interim protection.

#### Contentions of the Respondents

16. The respondents have defended the impugned advertisement and the recruitment process on the ground that the grant of age relaxation and concessions is entirely a matter of statutory rules and state policy.

17. It is the stand of the respondents that the State Government has already framed specific rules determining the categories entitled to



reservation and age relaxation, and the recruitment agencies are bound to follow the said statutory mandate strictly.

18. The respondents contend that the courts cannot issue a writ of mandamus to direct the State to grant age relaxation or concessions contrary to the existing rules, as policy decisions regarding the extent of concessions fall within the exclusive domain of the executive.

### **Analysis and Conclusion**

19. Heard the rival contentions and perused the record. The scope of judicial review under Article 226 of the Constitution of India in matters of state policy regarding reservations and age relaxations is well-settled. Courts do not act as appellate authorities over policy decisions of the State unless they are manifestly arbitrary or unconstitutional.

20. The core issue falling for consideration is whether this Court can issue a mandamus directing the State to grant age relaxation to EWS candidates on parity with other reserved categories, and whether the impugned advertisement and the order of the Single Bench suffer from any illegality.

21. In evaluating this issue, it is pertinent to rely on the judgment of the Division Bench of this Court in W.P. No. 14695/2024, whereby the principles governing the grant of concessions and reservations have been crystallized. It was held as under:

“53. The reservations and relaxations/Concessions to Other Backward Classes in Central and State lists are under enabling provisions of Articles 15 and 16 of the Constitution. The



argument that once a caste or community has been notified by the State Government though it does not figure in the Central List, then also it would be deemed to be OBC for the purpose of relaxations / concessions. Such a proposition which cannot be accepted as such an interpretation would run counter to Article 342-A and 366 (26C) of the Constitution. The aforesaid Articles cannot be interpreted in the manner that for the purpose of providing reservation the said lists are distinct and separate but for the purpose of providing relaxations / concessions the said lists would provide a common set of communities. Once a particular caste or community is notified in the Central List for the purpose of Central Government only those castes or communities will remain for the purpose of reservation and concessions in services under the Union and the castes or communities notified by the State Government for their own purpose only would claim reservations or concessions for services or admission to institutions under the control of State Government.”

“54. The interpretation being suggested by learned senior counsel would run counter to the Constitution scheme as contained in Article 342-A and Article 366 (26C) of the Constitution of India which treats the lists maintained by the State Government and Central Government separately and for their respective purposes. A community not figuring in Central List though figuring in the State Government list cannot claim reservation for services under the Union and obviously it cannot — claim concession also for services under the Union because it is not recognized as OBC for the purpose of Central Government. It is recognized as OBC only for the purpose of State Government. Once the particular caste or community is not recognized as OBC for the purpose of Central Government then there will be no question to claim concession or reservation under the Central Government emerging from Articles 15 and 16 of the Constitution of India.”

22. Applying the aforesaid legal principles strictly to the facts of the present case, it is evident that the grant of age relaxation and incidental concessions are governed by the specific rules framed by the State Government. An enabling constitutional provision does not automatically vest an absolute right in the appellant to claim age



relaxation absent a statutory framework.

23. The parameters for determining the categories eligible for such relaxations fall squarely within the domain of the State's rule-making authority. As mandated by the specific directions governing this analysis, this Court finds no infirmity in the approach adopted by the respondent authorities or the Hon'ble Single Bench.

24. Accordingly, this Court is of the opinion that the State Government already framed the rules to determine the categories to which the reservation and relaxation/concession has to be given and there is no question to claim concession and reservation before this Court and therefore, this writ appeal is dismissed affirming the order of the learned single judge dated 06.05.2026.

25. No order as to costs.

**(PRANAY VERMA)**  
V. JUDGE

**(JAI KUMAR PILLAI)**  
V. JUDGE

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