

**Court No. - 40**

**Case :-** WRIT - A No. - 1931 of 2021

**Petitioner :-** Munendra Singh

**Respondent :-** High Court Of Judicature At Allahabad And Another

**Counsel for Petitioner :-** Pawan Singh Pundir,Ratnesh Kumar Pandey

**Counsel for Respondent :-** Ashish Mishra

**Hon'ble Munishwar Nath Bhandari,J.**

**Hon'ble Rohit Ranjan Agarwal,J.**

The writ petition has been filed to challenge the advertisement dated 17.12.2019 in regard to item No.2, pertaining to age.

Learned counsel for the petitioner submit that as per Rule 12 of Uttar Pradesh Higher Judicial Service Rules, 1975 (*in short "Rules of 1975"*), petitioner is eligible to appear in the selection but due to criteria given in the advertisement contrary to Rule 12, he may be barred. It is for the reason that his date of birth is 01.01.1973 and would be 48 years as on 01.01.2021. The upper age of 48 years should have been as on 02.01.2021 instead of 01.01.2021. Thus interference in the clause of age given in the advertisement be made.

We have considered the submissions made by counsel for the petitioner, Sri Rahul Agrawal, learned counsel for respondents and perused the record.

Rule 12 of the Rules of 1975, as amended, are quoted hereunder :

*"Age- A candidate for direct recruitment must have attained the age of 35 years and must not have attained the age of 45 years on the first day of January next following the year in which the notice inviting applications is published;*

*Provided that the upper age limit shall be higher by three years in case of candidates belonging to Scheduled Castes and Scheduled Tribes and such other categories as may be notified by the Government from time to time."*

As per the rule, one must not have attained the age of 45 years on the first day of January next following the year in which the notice inviting applications is published. The petitioner being Other Backward Class candidate, is entitled for three years' relaxation in age but as per the rules, he would be over aged on

01.01.2021. It is for the reason that he would be attaining the age of 48 years as on 01.01.2021 and thus not entitled for appearing in the selection as per rule 12 of the Rules of 1975, as amended.

Accordingly, we find no force for challenge to the clause of 'age' given in the advertisement as being in consonance to Rule 12 of Rules of 1975.

Writ petition accordingly fails and is **dismissed**.

**Order Date :-** 8.2.2021

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