



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7768 of 2025

Mahendra Tiadi

....

Petitioner

Mr. S.K. Joshi, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. D.K. Sahoo, AGA
Mr. T.K. Pattnaik, Advocate for
the OPSC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Order
No.

ORDER
27.03.2025

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard Mr. S.K. Joshi, learned counsel for the petitioner, Mr. D.K Sahoo, learned Additional Government Advocate appearing for opposite party nos.1 & 2 and Mr. T.K. Pattnaik, learned counsel for opposite party no.3.
3. The present writ petition has been filed by the petitioner with the following prayer:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit this writ petition, call



for records and after hearing both the parties, pleased to allow the writ petition and quashed the impugned order dated 05.03.2025 passed by OP No.3 keeping in view the notification dated 08.02.1963 issued by Govt. of Odisha, Political and Services Dept, clause-2 Annexure-11.”

4. Learned counsel for the petitioner contended that pursuant to the advertisement dated 24.09.2024 under Annexure-2, the petitioner participated in the recruitment process and submitted his candidature for appointment to the post of SDOPRO (OIS-II), Group-B. Learned counsel for the petitioner further contended that since the petitioner is an Ex-Serviceman, he has applied under the said category. He further contended that pursuant to the order dated 29.10.2024 passed by this Court in W.P.(C) No.26632 of 2024, the petitioner was permitted to apply for the aforesaid post through Off-line mode. Accordingly, the petitioner has submitted his application for appointment pursuant to the advertisement under Annexure-2.

5. Learned counsel for the petitioner further contended that the petitioner, who is aged about 45 years, is eligible for age relaxation as per the Notification of the Government of Odisha under Annexure-5 dated 02.05.1963. He further contended that clause-2 under Annexure-5 dated 02.05.1963 provides that age relaxation in respect of the persons coming under the Ex-Serviceman category is to be



granted in suitable cases to make the persons eligible for appointment. Further, referring to the Orissa Information Service (Junior Branch) (Method of Recruitment and Conditions of Service) Rules, 2009 (hereinafter referred to the Rules, 2009), learned counsel for the petitioner further contended that the said rules provide for grant of relaxation. Further, specifically referring to Rule 13 of the Rules, 2009, it was contended that if the Government is of the opinion that it is necessary or expedient to do so in the public interest, the Government may, by order, relax any of the provisions of these rules in respect of any class or category of employees.

6. In the aforesaid context, the learned counsel for the petitioner also referred to the judgment of this Court in the case of ***Santosh Adhikari Vrs. State of Odisha & Another*** passed in W.P.(C) No.39860 of 2021, and contended that similar relaxation was granted by this Court to similarly situated Ex-Serviceman category person by applying the provision contained in Rule-13 of the Rules, 2009. Furthermore, since the case of the petitioner is similar to the case of ***Santosh Adhikari*** (*supra*), the case of the petitioner is squarely covered by the ratio laid down in ***Santosh Adhikari's*** case (*supra*)

5. Mr. Pattnaik, learned counsel for the OPSC contended that the application of the petitioner has been rejected as per the rules and the terms and



conditions as provided in the advertisement under Annexure-2 to the writ petition. He further contended that since the petitioner, who is aged about 45 years, is admittedly overaged to appear in the recruitment test, the OPSC has not accepted his candidature and he has not been allowed to participate in the recruitment process pursuant to advertisement under Annexure-2 to the writ petition. With regard to relaxation of age, Mr. Pattnaik contended that the OPSC does not have any power to grant relaxation since it falls within the sole domain of the Government. In such view of the matter, learned counsel for the OPSC contended that the opposite party no.3 has not committed any illegality in not accepting the application of the petitioner on the ground that the petitioner was barred by age as prescribed in the Rules, 2009 as well as in the advertisement.

8. Learned counsel for the State on the other hand contended that no such request has been made by the Petitioner to the Government for relaxation of age criteria. In such view of the matter, learned counsel for the State contended that the application of the petitioner has not been considered in terms of the Rules, 2009 as well as the advertisement under Annexure-2 to the writ petition. He further contended that since the petitioner was not found eligible as he was over the age limit as prescribed, his candidature has been rightly rejected by the opposite party. In



such view of the matter, learned counsel for the State contended that the writ petition is devoid of merit and the same should be dismissed.

9. Having heard the learned counsel for the parties, considering the submissions made, taking into consideration the materials available on record and keeping in view the Rules 2009, this Court observes that the opposite parties have not committed any illegality in not accepting the application of the petitioner as the petitioner is admittedly aged about 45 years and, as such, he is barred by the age to participate in the recruitment process. Moreover, upon perusal of the eligibility criteria as prescribed in the Rules, 2009 as well as in the advertisement under Annexure-2, it appears that the relaxation granted in favour of Ex-Servicemen category is upto 5 years and by taking into account the same, the maximum age limit would be 43 years up to which the candidature of Ex-Servicemen category applicant could be accepted and he may be permitted to participate in the recruitment process. Since the petitioner is aged about 45 years, his case has not been considered by the OPSC and in the process the opposite parties have not committed any illegality.

10. Further taking note of the prayer made in the writ petition, keeping in view the law laid down by this Court in the case of **Santosh Adhikari** (*supra*) and further keeping in view the provision contained in



Rule-13 of the Rules 2009, this Court observes that no such application has been made to the Government seeking any specific relaxation of maximum age criteria in the case of the petitioner. Considering the aforesaid aspect, this Court deems it proper to dispose of the writ petition at the stage of admission by granting liberty to the petitioner to approach the appropriate Government under Rule 13 of the Rules, 2009 by filing a detailed representation, taking therein all the grounds along with all the supporting documents, with a prayer to consider his case for grant of age relaxation. In the event such representation is filed, opposite party no.1 shall consider the same strictly in terms of Rule 13 of the Rules 2009 as well as the judgment of this Court in the case of **Santosh Adhikari** (*supra*) within a period of two weeks from the date of receipt of such representation. Any final decision taken by the opposite party no.1 shall be communicated to the petitioner as well as to the opposite party no.2 within 10 days.

11. Learned counsel for the petitioner at this stage contended that the final written examination is scheduled to be held on 29th and 30th of March, 2025. He further contended that unless the petitioner is allowed to participate in the final written examination, he will be seriously prejudiced and if the decision of the Government goes in favour of the petitioner, then the petitioner will not be in a position to take advantage of



the said decision.

12. In view of the aforesaid fact, this Court further directs the OPSC (opposite party no.3) to permit the petitioner to participate in the written examination scheduled to be held on 29th and 30th of March, 2025 and the result of such examination shall be subject to the decision of the Government to be taken on the representation of the petitioner. In the event the decision of the Government goes in favour of the petitioner with regard to age relaxation, the result in respect of the petitioner shall be published, and in case the decision of the Government goes against the petitioner, the result, with respect to the present Petitioner, shall not be published and the candidature of the petitioner shall be treated to be invalid.

13. With the aforesaid observation and direction, the writ petition is disposed of.

14. A free copy of this order be supplied to Mr. Pattnaik, learned counsel for the OPSC for onward transmission. Issue urgent certified copy of this order in course of the day.

(Aditya Kumar Mohapatra)
Judge

Amit
Signature Not Verified

Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: ORISSA HIGH COURT OF ORISSA,
CUTTACK
Date: 27-Mar-2025 18:47:37

