

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16018/2025

Gajendra Kumar Yadav S/o Shri Hans Raj Yadav, Aged About 52 Years, Resident Of Plot No. 11-A, Path No. 6, Kana Ram Nagar, Teen Dukan, Dher Ka Balaji, Sikar Road, Jaipur (Rajasthan).

-----Petitioner

Versus

Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

-----Respondent

For Petitioner(s)	:	Mr. Shailesh Prakash Sharma
For Respondent(s)	:	Mr. Yuvraj Samant

HON'BLE MR. JUSTICE ANAND SHARMA

Order

01/05/2026

1. This writ petition has been filed by the petitioner with following prayer:

"It is, therefore, most humbly prayed that your lordships may graciously be pleased to accept and allow this writ petition after perusing/ examining the entire material placed on record and after examining the same:

*(i) by an appropriate writ, order, or direction, the)
Quash*

and set aside the impugned communication/order/letter dated 08.09.2025 issued by Rajasthan Public Service Commission (RPSC),;

(ii) by an appropriate writ, order or direction the Hon'ble Court may kindly declare the impugned action of the respondents as illegal and petitioner be declared as eligible and within the permissible age limit for participation in the said recruitment in terms of the relaxation provisions contained in Advertisement No. 06/2023-24 dated 01.09.2023•

(iii) by an appropriate writ, order or direction the direct the respondent RPSC to consider and permit the petitioner to participate in all further stages of the selection process, and to declare his result in accordance with law, if he is otherwise found meritorious;

(iv) by an appropriate writ, order or direction the direct the respondents be directed to consider petitioner to be within age by taking into consideration the relaxation in regard to age being granted.

(v) Any other order, which this Hon'ble Court deem just and proper may kindly be passed in favour of the petitioners.
(vi) Cost of the writ petition is also in faovur of the petitioners."

2. Petitioner has come out with a case that the respondent-Rajasthan Public Service Commission has issued advertisement dated 01.09.2023, whereby applications have been invited from all eligible candidates for the post of Physical Training Instructor, in which eligibility for age has been given in the advertisement itself. As per advertisement, age is required to be calculated as on 01.01.2024, on which the aspirant must not be below 21 years and over 40 years of age.

3. It is submitted by learned counsel for the petitioner that as per the relaxation clauses given in the advertisement itself, the petitioner is entitled for 8 years relaxation.

4. Learned counsel for the respondent, at the outset, drew indulgence of this Court over para 9 of the writ petition, which reads as under:

"That the Department of Personnel (K-2) Circular dated 23.09.2022, incorporated in the advertisement itself, further provides that all candidates who were within the prescribed age limit as on 31.12.2020 shall be deemed to be within age for all direct recruitments conducted up to 31.12.2024. The petitioner's age as on 31.12.2020 was 48 years, 3 months, and 4 days, which effectively falls within the extended age bracket of forty-eight years. Even if there is a marginal technical excess of a few months, the very purpose and intent of the circular as well as the additional three-year relaxation granted in the same advertisement is to benefit candidates who became over-aged only because no recruitment had been conducted since 1992. It is submitted that when all the above relaxations are applied, the petitioner was very much within the permissible age limit on 31.12.2020 and, consequently, is to be deemed within age for the present recruitment in terms of the said circular. The rejection of his candidature on the ground of being over-aged, thus, stands contrary to the express relaxation provisions incorporated in the advertisement itself."

5. Learned counsel for the respondents also submits that without prejudice to any other defence on the part of commission,

even if the statement made by the petitioner in para 9 of the writ petition is taken at its face value, the petitioner would not come within the age criteria even after granting all the relaxation as claimed by the petitioner.

6. Heard learned counsel for the parties and perused the record.

7. In sum and substance, the petitioner has claimed that his age for the purpose of recruitment is to be counted on 31.12.2020 and, in case, any person has not crossed age of 48 years as on 31.12.2020, he would be within the age limit as prescribed in the advertisement.

8. Para 9 of the advertisement makes it clear that the petitioner himself admitted that even as on 31.12.2020, the petitioner was aged 48 years, 3 months and 4 days, which as per the case of the petitioner himself is not within the age criteria and he is over age by 3 months and 4 days.

9. In the light of above discussion, admittedly the petitioner is over aged and is not eligible pursuant to advertisement dated 01.09.2023. Hence, there is no scope for interference in the instant writ petition filed by the petitioner and, the same, is hereby, dismissed.

10. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J