

S U P R E M E            C O U R T   O F        I N D I A  
 RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1204 OF 2004

JANARDHAN SAMPAT MESHAM

Appellant (s)

VERSUS

STATE OF MAHRASHTRA & ORS.

Respondent(s)

Date: 16/02/2010

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

Mr. Bhaskar Y. Kulkarni, Adv.

For Respondent(s) Mr. Shankar Chitllarge, Adv.

Mrs. Asha G. Nair, Adv.

Mr. Aniruddha P. Mayee, Adv. (Not Present)

UPON hearing counsel the Court made the following  
 O R D E R

The appeal is allowed and the impugned judgment and order of the High Court as well as that of the Maharashtra Administrative Tribunal are set aside. The State Government shall now consider the application of the appellant expeditiously in accordance with law treating him to be within the age limit.

No order as to the costs.

(Ajay Kr. Jain)  
 Court Master

(Indu Satija)  
 Court Master

(Signed order is placed on the file)  
 IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1204 OF 2004

Janardhan Sampat Meshram

.... Appellant

Versus

State of Maharashtra & Ors.

.... Respondents

O R D E R

Heard learned counsel for the parties.

This appeal is directed against the impugned judgment and order dated 10.10.2002 of the High Court of Judicature at Bombay, Bench at Nagpur whereby the writ petition filed by the appellant herein has been dismissed by the Division Bench of the High Court. The Original Petition preferred by the appellant was also dismissed by the Maharashtra Administrative Tribunal, Bench at Nagpur vide order dated 23.08.2002.

The facts in detail have been mentioned in the judgment of the Maharashtra Administrative Tribunal and hence we are not repeating the same here.

The short controversy in this case is whether the appellant was over-age when he applied for the post of Health Worker in the service of the State Government. Admittedly, the appellant was born on 1.1.1960. The maximum age specified by the State Government ordinarily was 35 years. But for the project affected persons an extra benefit of 3 years was given, which means, that the maximum age limit for the project affected persons was 38 years. Admittedly, the appellant was not over-age on the date of application. The Tribunal, however, in its order has held that when the recommendation was made on 28.10.1998, the appellant was over-age. In our opinion, this reasoning of the Tribunal is wrong because the age of an applicant is to be considered on the date of application and not on the date of recommendation. Thus, it is the age on the date of application which is relevant and not the age on recommendation. Hence, we allow this appeal and set aside the impugned judgment and order of the High Court as well as that of the Maharashtra Administrative Tribunal. The State Government shall now consider the application of the appellant expeditiously in accordance with law treating him to be within the age limit.

The appeal is allowed with no order as to the costs.

.....J.  
(MARKANDEY KATJU)

.....J.  
(A.K. PATNAIK)

NEW DELHI;  
FEBRUARY 16, 2010