

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 26<sup>th</sup> OF JULY, 2024

WRIT PETITION No. 436 of 2024

*PRAHLAD SINGH MARA VI*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Smt. Anchan Pandey - Advocate for the petitioner.*

*Shri Punit Shroti - Government Advocate for the respondents/State.*

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ORDER

In pursuance of the order dated 16.08.2022 passed by this Court in W.P. No.18232/2021 for considering the case of the petitioner, an order has been passed by the authority on 01.02.2023 (Annexure P/1), rejecting the claim of absorption of the petitioner mentioning therein that in the year 2008 at the time of first appointment of the petitioner, since he had already completed 42 years of age which is the age prescribed by the government for the candidates directly recruited and as such his claim for absorption has been rejected by the authority.

Counsel for the petitioner submits that the order impugned dated 01.02.2023 has been passed on a wrong premise as the age of the petitioner was miscalculated. She submits that admittedly the date of birth of the petitioner was 01.07.1966 which is mentioned in the document of the respondent/Corporation and in 2008, petitioner was not 42 years of age but despite that his claim was rejected.

I have perused the impugned order and also the document in which the date of birth of the petitioner was shown as 01.07.1966. Petitioner was aged about 41 years and 11 months at the time of his first appointment in the year 2008 and as such, apparently the rejection of the claim made by the petitioner is illegal and,

therefore, I am of the opinion that the order dated 01.02.2023 deserves to be and is hereby set aside. The matter is remitted back to the authority to pass a fresh order considering the fact that the date of birth of the petitioner is 01.07.1966 and the date of his first appointment is 01.06.2008 and since petitioner has not completed 42 years of age and has not crossed the maximum age limit prescribed for the government employee, therefore, fresh order be passed by the respondents/authority rectifying the mistake earlier committed by them by issuing order dated 01.02.2023 and petitioner be absorbed in accordance with law considering the fact that he was aged about only 41 years and 11 months on the date of his first appointment i.e. 01.06.2008. The aforesaid exercise be completed within a period of 60 days from submitting copy of the order and after passing a fresh order of absorption, all consequential benefits for which petitioner is entitled be also provided to him.

However, it is made clear that if there is any impediment in absorbing the petitioner then reason be assigned and communicated to him within the given time.

It is made clear that this Court has not expressed any opinion on the merits of the case.

With the aforesaid, the petition stands **disposed of**.

(SANJAY DWIVEDI)  
JUDGE