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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 569 of 2019

Dilip Kumar Patel, S/o. Shri Tilku Ram, Aged About 32 Years, R/o. Village Ranidera, Post Office Bandha, Tehsil - Takhatpur, District Bilaspur, Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh, Through Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.

2 – Collector, District Bilaspur, Chhattisgarh.

3 - Chief Executive Officer, Zila Panchayat, Bilaspur, District Bilaspur Chhattisgarh.

4 - Chief Executive Officer, Janpad Panchayat, Takhatpur, District Bilaspur, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Aniruddh Singh, Advocate on behalf of Mr. Dhiraj Kumar Wankhede, Advocate
For Respondents	:	Mr. Sharad Mishra, Panel Lawyer



(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27.03.2026

1. The petitioner has applied for the post of Rozgar Sahayak and in initial list, he was shown to be eligible for appointment on the post of Rozgar Sahayak, however, his candidature has been rejected by impugned cancellation list holding that he has a third son born after 26.01.2001, which is in violation of sub-rule 6 of Rule 6 of the Chhattisgarh Civil Services (General Condition of Service) Rules, 1961 (*for short "the Rules of 1961"*).
2. Mr. Aniruddh Singh, learned counsel appearing for the petitioner, would submit that admittedly the third son of the petitioner was born on 04.10.2017 and the State Government by circular dated 13.07.2017 omitted sub-rule (6) of Rule 6 of the Rules of 1961. As such, the third child of the petitioner was born after omission of sub-rule (6) of Rule 6, therefore, candidature of the petitioner has wrongly been rejected and he was entitled for appointment on the post of Rozgar Sahayak.
3. Mr. Sharad Mishra, learned State counsel, would submit that the respondent authorities have rightly been rejected the name of



petitioner for appointment on the post of Rozgar Sahayak and, therefore, the petition is liable to be dismissed.

4. I have heard learned counsel appearing for the parties and perused the documents meticulously.
5. Admittedly, sub-rule (6) of Rule 6 of the Rules of 1961 states as under :

“6. No candidate shall be eligible for appointment to a service or post who has more than two living children on of whom is born on or after the 26th day of January, 2001.”

6. By circular dated 13.07.2017, sub-rule (6) of Rule 6 of the Rules of 1961 has been omitted and, thereafter, the amended advertisement was issued for the post of Rozgar Sahayak on 15.09.2017 and the last date for submission of application form was 26.09.2017 and thereafter, the third child of the petitioner was born on 04.10.2017. Consequently, when the petitioner's case was considered pursuant to objection dated 16.10.2017 filed by Mukesh Kumar Sahu, sub-rule (6) of Rule 6 disqualifying the petitioner for having more than two children after 26.01.2001 was not applicable. Therefore, his candidature has wrongly been rejected. Accordingly, the impugned cancellation list is set aside and the respondent No.4 is directed to consider the case of the petitioner, as he was not disqualified on the



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date of consideration. The decision will be taken within 30 days from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is allowed to the extent as indicated herein above.

Ashok

Sd/-
(Sanjay K. Agrawal)
Judge