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W.P. No.46233/2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

**WRIT PETITION No.46233 of 2025**

**VIJAYENDRA PAL SINGH AJNARIYA**

*Versus*

**THE STATE OF MADHYA PRADESH AND ANOTHER**

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**Appearance:**

*Shri Kamlesh Manwani - Advocate for the petitioner.*

*Shri Raghav Shrivastava – Advocate for respondent/State.*

*Shri V.P. Khare - Advocate for respondent No. 2*

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**Reserved on : 04/12/2025**

**Post on :14/01/2026**

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**ORDER**

The present writ petition has been filed by the petitioner under Articles 226 of the Constitution of India, seeking interference with the age eligibility criteria prescribed under Advertisement No. 29/2024 issued by the Madhya Pradesh Public Service Commission for the post of Assistant Professor (Sociology). The petitioner prays for grant of age relaxation up to 50 years on the ground that the earlier recruitment process initiated in the year 2022 was not concluded within a reasonable time.

2. It is the case of the petitioners that he is aged about 46 years and is presently serving as a Government Servant in the Forest Department of the State of Madhya Pradesh. He belongs to the Scheduled Tribe category and possesses the requisite educational qualifications including a post-graduate degree in Sociology, making him academically eligible for the post of Assistant Professor.

3. Records reveal that earlier recruitment for the post of Assistant Professor (Sociology) was conducted pursuant to Advertisement No. 07/2017 dated 12.12.2017, wherein the maximum age limit for candidates belonging to the ST category and Government Servants was prescribed as 50 years. The petitioner relies heavily upon this earlier



prescription to contend that he had a legitimate expectation of similar treatment in future recruitments.

**4.** Subsequently, the Madhya Pradesh Public Service Commission issued Advertisement No. 47/2022 dated 30/12/2022 for the same post. The petitioner participated in the said selection process, cleared the written examination and was shortlisted for interview. However, the said recruitment process could not be concluded expeditiously. Further, it is not in dispute that the interview of the petitioner under the 2022 recruitment process was scheduled only in September, 2025. During this interval, MPPSC issued Advertisement No. 29/2024 dated 30/12/2024, prescribing revised eligibility conditions including a reduced maximum age limit of 45 years as on the cut-off date of 01/01/2025.

**5.** As the petitioner had already crossed the age of 45 years on the relevant cut-off date, he became ineligible to apply under the 2024 advertisement. Aggrieved thereby, he has approached this Court seeking application of the earlier age limit of 50 years to his candidature as a compensatory measure.

**6.** Learned counsel for the petitioner submitted that the petitioner has been rendered over-age solely due to the inordinate delay on the part of the respondent Commission in concluding the 2022 recruitment



process. It is argued that the petitioner cannot be made to suffer for administrative lapses attributable to the recruiting agency.

7. It is further contended that the action of the respondents violates Articles 14 and 16 of the Constitution of India by depriving the petitioner of equal opportunity in public employment. According to the petitioner, rigid application of the revised age limit, without granting relaxation, results in manifest arbitrariness. The petitioner also invokes the doctrine of legitimate expectation, contending that since the age limit of 50 years was consistently applied in earlier recruitments, its abrupt reduction to 45 years, coupled with administrative delay, causes grave prejudice to him. The petitioner submits that he is not challenging the validity of Advertisement No. 29/2024 as a whole and seeks only a limited, individual relief. It is argued that granting such relief would not disrupt the recruitment process and would subserve the ends of justice.

8. Per contra, learned counsel for the respondents has vehemently opposed the writ petition and submits that the eligibility criteria prescribed under Advertisement No. 29/2024 are entirely distinct from those under earlier advertisements. Each recruitment process, according to the respondents, is governed by its own terms and conditions. It is specifically contended that the petitioner does not fulfill the age requirement prescribed under the 2024 advertisement and, therefore, lacks the basic eligibility to participate in the recruitment. The



respondents assert that eligibility conditions are mandatory and cannot be relaxed by judicial directions.

**9.** The respondents further submit that policy decisions relating to fixation of age limits fall exclusively within the domain of the competent authority. Unless such policy is challenged and declared unconstitutional, the Court cannot substitute its own views or carve out exceptions. It is also pointed out that the petitioner has consciously chosen not to challenge the validity of the revised age limit of 45 years. In absence of such challenge, the relief sought by the petitioner is legally untenable.

**10.** Heard both parties at length and examined the entire record available.

**11.** At the outset, it is required to be noted that Advertisement No. 29/2024 constitutes an independent recruitment process with its own eligibility criteria, which are binding on all candidates. It is a settled principle of service jurisprudence that eligibility conditions prescribed in an advertisement must be strictly complied with. Courts cannot permit participation of candidates who do not satisfy the prescribed criteria on the relevant cut-off date.

**12.** This Court is of further opinion that even if some delay occurred in concluding the 2022 recruitment process, such delay by itself does



not create a vested right in favour of the petitioner to claim eligibility under a subsequent advertisement governed by different conditions. The doctrine of *Actus Curiae Neminem Gravabit* cannot be invoked to override express eligibility conditions framed by the competent authority. Thus, Administrative delay, howsoever unfortunate, cannot empower the Court to rewrite recruitment rules.

**13.** The portioner's contention of legitimate expectation also cannot be accepted, as there can be no legitimate expectation against a clear and unambiguous policy decision. The petitioner was required to satisfy the eligibility criteria as prescribed on the date of the 2024 advertisement.

**14.** Significantly, the petitioner has not laid any challenge to the validity or constitutionality of the revised age limit. In absence of such challenge, this Court is precluded from examining the wisdom or desirability of the policy decision.

**15.** Further, granting individual age relaxation in the present case would amount to creating a special category through judicial intervention, which is impermissible in law. Such exercise would also disturb the uniform application of eligibility criteria in public recruitment. Age relaxation can be granted only when specifically provided under the relevant rules or advertisement. Since



Advertisement No. 29/2024 does not provide for the relaxation sought by the petitioner, no mandamus can be issued in this regard.

**16.** In view of the aforesaid discussion, this Court holds that the petitioner does not fulfill the age eligibility prescribed under Advertisement No. 29/2024 and, therefore, cannot claim a right to be considered thereunder.

**17.** This Court further finds that it lacks jurisdiction to interfere with or modify the eligibility criteria prescribed by the competent authority, particularly when the same has not been challenged by the petitioner.

**18.** Thus, the writ petition is found to be devoid of merit and does not warrant exercise of extraordinary jurisdiction under Articles 226 of the Constitution of India.

**19.** Consequently, the writ petition fails and is hereby **dismissed**.

**20.** Pending applications shall be **disposed off** accordingly.

**(Jai Kumar Pillai)  
Judge**