

01 **16.09.
2026**

Ct. No. 18

Ab

WPA 31058 of 2024

**Himachal Chakrabarty and another
Vs.**

Life Insurance Corporation of India and others.

**Mr. Anirban Mitra,
Mr. Amit Halder.**

... for the petitioners.

**Mr. Avishek Guha,
Mr. Subhajit Das.**

... for the LIC.

1. The petitioners are aggrieved that they were not permitted to sit for an examination for promotion to a higher post, in spite of the orders of this Hon'ble Court made sometime in 2019 by a Co-ordinate Bench as well as by the Division Bench on January 31, 2024.
2. The petitioners were appointed as Financial Services Executive in 2008 and were eligible and, therefore, participated in the selection process for the post of Financial Service Executives under a Scheme of 2007.
3. However, the petitioners were found to be over aged as on the date of examination and thus, were not entertained. The petitioners had approached this Hon'ble Court by way of a writ petition being WPA 13752 of 2019, which was disposed of on August 9, 2019 by a Co-ordinate Bench directing the authorities to permit the petitioners to sit in the examination and to consider the issue of age relaxation of the

petitioners. However, it was made clear that in the event the authorities did not exercise their discretion in favour of the petitioners to relax their age, the results of the petitioners would not be published. In the event the discretion was exercised favourably, the result of the petitioners would be published.

4. The authorities considered the case of the petitioners, and rejected their prayer for age relaxation by its order dated March 7, 2020.
5. This order was carried in appeal by the Life Insurance Corporation of India (in short 'LICI'), which was disposed of on January 31, 2024.
6. In the interregnum period, the petitioners preferred a contempt application from the order of the learned Single Judge, which was disposed of by the order dated August 25, 2022 directing, inter alia, that age relaxation, which has been refused by the authorities against the petitioners, would be open to be challenged by the petitioners.
7. The Hon'ble Division Bench while disposing of the appeal from the order of August 9, 2019 held that the petitioners would be at liberty to exercise their option to challenge the order of March 7, 2020 passed by the authorities, if so advised. It was also recorded by the Hon'ble Division Bench that the Notification of 2019 issued by the LICI had not been brought to the notice of the learned Single Judge.

8. It is in this milieu of facts that the present writ petition has come up for consideration.
9. Mr. Mitra, learned Advocate appearing for the petitioners, has made a single submission that the petitioners ought to have been permitted to sit in the examination in terms of the direction of the Hon'ble Single Judge. Not having done so, the LICl is at default, for which the petitioners cannot be made to suffer. He has, in fact, relied on a decision of the Hon'ble Supreme Court of India in case of Vashist Narayan Kumar vs. State of Bihar and others, reported in (2024) 11 SCC 785 and a decision of the Hon'ble High Court at Madras at the Madurai Bench dated September 2, 2016.
10. Mr. Guha, learned Advocate appearing for the respondents, submits that the petitioners are grossly over aged and cannot be considered at this stage or could not have been considered even at the stage when the order of March 7, 2020 was passed. In fact, the said order rejecting the request for age relaxation by the petitioners has not been challenged by the petitioners at all, even in this writ petition.
11. He has also drawn the attention of the Court to the Notification dated March 1, 2019, which is a clear explanation to the issue raised by the petitioners insofar as age relaxation is concerned.
12. According to Mr. Guha, the Hon'ble Bench at Madurai

did not pass any direction for age relaxation of the petitioners in the writ petition, who may have been similarly placed that the petitioners herein. It was on the basis of a concession given by the LIC that the order of the Madurai Bench was made. This concession was reflected in the Notification of March 1, 2019. This Notification was onetime issuance and the persons, who have not availed of the same, could not claim the benefit thereof, especially, now, almost after eight years.

13. I have heard the learned Advocate for the parties and considered the documents on record and the decisions relied upon by them.
14. The issue raised in the writ petition is on an extremely narrow conspectus. The petitioners are aggrieved that they were not permitted to sit for the examination for promotion, which was held sometime in 2019.
15. The issue whether the petitioners were rightly or wrongly refused and/or rejected even to sit for the examination was the subject matter before the learned Single Judge while she was exercising jurisdiction in contempt in CPAN 1262 of 2019. The Hon'ble Judge has clearly held that the petitioners would be at liberty to challenge the order of March 7, 2020, issued by the authorities rejecting the request of the petitioners for relaxation of age.

16. The petitioners have chosen not to raise this issue before the Appeal Court and interestingly not to raise this issue in this writ petition either.
17. As of now, there is no challenge to the order of March 7, 2020 by the authorities, rejecting the request of the petitioners for age relaxation.
18. Not having challenged the same, the petitioners cannot claim a right to sit for the examination, which has already been held in 2019.
19. The question of eligibility of the petitioners is to be guided strictly by the Rules and Regulations of the respondent authorities, as applicable to the petitioners. The petitioners ought to have taken the leverage given to them by the Notification of March 1, 2019. Thus, there is no question of any discriminatory treatment of the petitioners, as compared to the petitioners before the Madurai Bench, who were similarly placed as the petitioners.
20. The petitioners on the date of the examination were aged in excess of the enhanced threshold age limit of 40 years. The petitioners were, therefore, not considered for age relaxation and were thereby rejected. Not having challenged the rejection, today, after a lapse of seven years and odd, the petitioners cannot claim a right to sit for the examination or even be considered afresh by the authorities for the purpose of age relaxation for promotion.

21. The decision of the Hon'ble Supreme Court of India, as relied upon by Mr. Mitra, is on the issue of trivialities. The facts of the case were completely different, emanating from the incorrect date of birth furnished in the application form. The petitioners therein had successfully completed the process and had been rejected on a trivial issue. The ratio of the case in Vashist Narayan Kumar (supra) has no applicability to the facts of the instant case.
22. In view thereof, I do not find any reason to reopen the issue and revive the claim of the petitioners, as urged in the writ petition.
23. The petitioners not having challenged the order of March 7, 2020 and having accepted the same cannot be construed as eligible persons, who were wrongly rejected for promotion.
24. In view of the afore-stated findings, the writ petition fails and is, accordingly, dismissed.
25. There shall, however, be no order as to costs.
26. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

