

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6900 of 2022

Pratap Kumar Bhuyan

....

Petitioner

Mr. S. Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. S. N. Das, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

**ORDER
17.03.2022**

Order No.

01. 1. Recruitment to the Odisha Judicial Service (OJS) happens pursuant to the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007 (OSJS and OJS Rules). The upper age criterion is fixed under Rule 18 of the said Rules.
2. The contention of the learned counsel for the Petitioner that the General Administration Department's Notification dated 11th January, 2022 enhancing the upper age limit for recruitment to civil post in the State Government should *ipso facto* apply to the OJS as well is not tenable, for the simple reason that the Rules applicable to recruitment to civil post in the State Government do not *ipso facto* become applicable to the OJS. In particular, Rule 47 of the OSJS and OJS Rules, which talks of relaxation, requires the Government, in consultation with the High Court, to consider it expedient to do so. In the present case, it has not been found expedient for such relaxation to be extended. It may also be noted

that under Rule 41 of the OSJS and OJS Rules while certain provisions of the Odisha Civil Services (Classification, Control & Appeal) Rules, 1962 and the provisions of the Odisha Service Code have been made applicable, the Odisha Civil Service (Fixation of Upper Age Limit) Rules, 2022 and the amendments thereto have not been made applicable to the OJS and OSJS.

3. The Court therefore finds no reason to interfere with the order dated 28th February, 2022 passed by the Law Department whereby the Petitioner's representation for enhancement of the upper age limit for OJS has been rejected.

4. The petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda