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WP-33796-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 25th OF AUGUST, 2025

WRIT PETITION No. 33796 of 2025

ONKAR TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Vikas Mishra and Shri Dheeraj Tiwari Advocates for the petitioner.

*Shri Swapnil Ganguly and Shri B.D. Singh - Deputy Advocates General for the
respondents/State.*

Shri Rahul Diwakar - Advocate for the respondent No.3.

.....
WITH

WRIT PETITION No. 33865 of 2025

RAJNI TIWARI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

*Shri Manoj Sharma - Senior Advocate with Ms. Anuja Sharma Advocate for the
petitioner.*

*Shri Swapnil Ganguly and Shri B.D. Singh - Deputy Advocates General for the
respondents/State.*

Shri Rahul Diwakar - Advocate for the respondent no.3.

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ORDER

Per. Hon'ble Shri Justice Vinay Saraf.



In both these writ petitions, common questions of fact and law are involved, therefore, they are heard together and are being decided by this common order.

2. In this petitions, petitioners have mainly assailed the maximum age limit prescribed by Employees Selection Board, Madhya Pradesh in the advertisement of Primary Teacher Selection Examination - 2025, whereby clause 6.2 prescribes the maximum age limit of 40 years for unreserved male candidates and 45 years for unreserved female candidates, reckoning age shall be as on 01.01.2025. Both the petitioners have already crossed the age of 45 years and are seeking benefit of age relaxation as provided by circular dated 18.9.2022 issued by General Administration Department, Bhopal.

3. In Writ Petition No.33865/2025, in addition to challenging the maximum age and claiming the benefit of circular, the original circular dated 3.11.2012 has also been challenged, whereby it is mandated that in all circumstances including all kind of age relaxation under all the category, age should not be exceed more than 45 years.

4. Heard learned counsel for the petitioners as well as learned counsel for the respondents on the question of admission as well for final decision.

5. Learned counsel for the petitioners submitted that petitioners have qualified the Primary Teacher Eligibility Test in the year 2020 and are eligible to participate in the ongoing Selection Test of 2025. However, clause 6.2 of the Rule Book provides the maximum age limit of 40 years for unreserved male candidates (as relevant for W.P. No.33796/2025) and 45



years for unreserved female candidates (as relevant for W.P. No.33865/2025). It is further submitted that at the time of clearing Teacher Eligibility Test, the petitioners were eligible to participate in the selection examination but due to Covid-19 pandemic, the selection exam could not be held and therefore, petitioners were not having any opportunity to appear in the selection examination despite clearing TET-2020. It is further submitted that General Administration Department of Govt. of Madhya Pradesh has issued a circular dated 18.9.2022, whereby considering the Covid-19 period, age relaxation of three years was permitted for the selection examinations. However, the same benefit has not been extended in the Rule Book of Primary Teacher Selection Examination - 2025. It is submitted on behalf of petitioners that after Covid-19, the instant recruitment for Primary Teacher is the first recruitment and therefore, the petitioners, those have been qualified TET-2020 and were waiting for the selection test, are entitled for the relaxation in upper age.

6. They heavily relied on the judgment of coordinate Division Bench of this Court delivered in the matter of *Dr. Amol Soley and others vs. State of M.P. and others, Writ Petition No.12150/2023 decided on 15.10.2024*, whereby it is held that the life of TET score/qualification has been extended to lifetime and as per Rule position after 01.12.2022, Selection Test means a selection test to be conducted for appointment to the posts of direct recruitment of teaching cadre under the rules and the advertisement issued for counselling of the Primary Teacher on 19.12.2022, wherein the age relaxation applied for counseling was on the basis of TET-2020. It is further



held that circular dated 18.9.2022 provides that if the recruitment tests have not been conducted during last three years due to Covid-19 pandemic, the special relaxation of three years in maximum age limit for all those vacancies to be notified upto December 2023 will be applicable and after the amended provisions, now after 01.12.2022, TET is only an eligibility test and is not a selection test. The Division Bench has held that as the selection test has been notified for the first time after Covid-19 pandemic, the candidates will get age relaxation in maximum age, till the period of December 2023.

7. In the said judgment itself, it is mentioned that some of the petitioners those who have not participated in the selection tests for teachers notified in 2023 but were having opportunity to participate in the counselling pursuant to TET-2020, will not be eligible for the additional relaxation of three years in successive rounds and would not be entitled to any relief. It is informed to this Court that the said order is under challenge before Supreme Court in SLP (Civil) Diary No.14600/2025 and by interim order dated 2.5.2025, Supreme Court has ordered to maintain status quo, till disposal of the special leave petition.

8. Learned counsel for the petitioners submit that as the petitioners had no opportunity to participate in a selection examination prior to the present examination for the post of Primary Teacher, petitioners are entitled for the age relaxation. They prayed for quashing the clause No.6.2 and 6.3 of the advertisement dated 18.7.2025, wherein the upper age limit has been fixed accordingly.



9. Learned Government Advocate appearing on advance copy opposed the prayer of counsel for petitioners and submitted that circular dated 18.9.2022 was issued keeping in view the Covid-19 pandemic situation and provides that for the first recruitment examination, there will be three years age relaxation till December 2023. Learned Government Advocate submitted that claim of petitioners that the instant advertisement is first advertisement after Covid-19, is not correct as after issuance of circular dated 18.9.2022, on 19.10.2022 advertisement was issued for organizing counselling for recruitment of Primary Teacher and at that time, in compliance of circular dated 18.9.2022, relaxation of three years in the maximum age was provided to the candidates and therefore, the instant advertisement is not a first advertisement and more so relaxation was applicable up to December 2023 only and the said period has already expired. They prayed for dismissal of the petitions.

10. After considering arguments advanced by counsel for the parties, from perusal of documents available on record, it appears that petitioners were qualified in Primary Teacher Eligibility Test - 2020, however, did not participate in counselling held on the basis of advertisement dated 19.12.2022. Before amendment in the Rule 11 of Madhya Pradesh School Education Services (Teaching Cadre) Service 'Conditions and Recruitment Rules, 2018, on the basis of Teacher Eligibility Examination, straight away counselling was to be held and the validity of eligibility examination was for two years. After amendment, the validity for eligibility examination has been made applicable to life time and after the



eligibility test, separate recruitment advertisement for the selection examination has been prescribed and therefore, after amendment the eligibility test is only an qualification for participating in the selection examination.

11. Advertisement has been issued for Primary Teacher Selection Examination - 2025, wherein the maximum age prescribed for unreserved Male candidates is 40 years and unreserved Female candidates is 45 years. Petitioners are age barred and thus not qualified for participating in the examination. The relaxation extended by the General Administration Department, Govt. of M.P. was applicable up to December, 2023 only and that too for the first advertisement. The document placed by the Government Advocate during arguments establishes that after issuance of circular dated 18.9.2022, counselling for the purpose of recruitment on the post of Primary Teacher was held in the year 2022 on the basis of Eligibility Test - 2020 and therefore, the instant advertisement is not the first recruitment drive for primary teacher after 18.9.2022.

12. The relaxation in any provision cannot be claimed as a matter of right and it is always the discretion of the government to relax any criteria in any particular test. When the Government has decided that the relaxation will be applicable only once and that too up to December 2023, petitioners can't claim the same and challenge clause 6.2 and 6.3 of the advertisement, which provides the maximum age and the cut-off date for calculation of age.

13. Considering the same, there is no force in the argument of the counsel appearing for petitioners that after issuance of circular dated



18.9.2022, selection process for recruitment on the post of primary teacher was not held in the past and the petitioners had no opportunity to participate in recruitment drive despite clearing Eligibility Test - 2020. If the petitioners failed to participate in counselling in 2022 on the basis of TET - 2020, petitioners can not claim age relaxation in the current selection test.

14. We may note that relaxation was extended upto December 2023 and the present advertisement has been issued in the year 2025, therefore, no age relaxation can be claimed in the present process of selection. No order has been issued to extend the period of relaxation. No writ can be issued to extend the relaxation and in view of the above facts and circumstances as well as the legal position, we find no merit in these petitions and consequently the petitions are dismissed with no order as to cost.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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