



114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2608 of 2024 (O&M)

Date of Decision: 26.11.2024

Simmi

.....Appellant

Versus

Haryana Staff Selection Commission and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sahil Sharma, Advocate for the appellant.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

* * * * *

DEEPAK MANCHANDA, J.

1. Through this intra Court appeal, the appellant has challenged the judgment dated 17.09.2024 passed by a learned Single Judge of this Court, vide which, the writ petition filed by the appellant was dismissed in *limine*.

2. The outlined facts emanating from the record are that the appellant filed a Civil Writ Petition No.21294 of 2024 seeking quashing of order dated 28.07.2024 through which the appellant's candidature for the post of TGT (Fine Arts), (Rest of Haryana cadre), in response to advertisement 2/2023 dated 21.02.2023 was rejected on account of her being over-aged. The appellant in the said writ petition pleaded that she was entitled for age relaxation in the upper age limit to the extent of service



rendered by her as a teacher on an equivalent post in a privately managed Government Aided School in terms of paragraph 8.1 of the advertisement dated 21.02.2023. The case set up by the appellant was that after considering the appellant's candidature for the post of TGT Fine Arts a relaxation of five years on account of her being a legally divorced woman was granted by the respondent-Commission but still she was declared overage by two years, two months and eight days which was in violation of the afore referred paragraph 8.1 of the advertisement as the appellant was entitled to further age relaxation based on her teaching experience in a recognized institution. Her writ petition was dismissed by the learned Single Judge, through the impugned judgment dated 17.09.2024.

3. Learned counsel for the appellant contends that the appellant worked as Assistant Block Research Coordinator under the Haryana School Shiksha Priyojna Parishad (for short – HSSPP) and is working in Government Senior Secondary School, Sector 19, Panchkula. She is thus having experience of 13 years and 09 months and her experience certificate issued by the Principal, Government Senior Secondary School, Sector 19, Panchkula, which was duly counter-signed by the District Programmer Coordinator, Samagrah Shiksha, Panchkula was not considered by the learned Single Judge. He further contends that prior to joining the respondent-State the appellant had also worked as a Fine Arts Teacher in Satluj Public School, Sector 4, Panchkula and Drawing Teacher in Manav Mangal School, Sector 11, Panchkula and the certificates to this effect were duly attached with her writ petition and that the respondent-Department had



been deputing trained graduate teachers for being posted as Assistant Block Resource Coordinator in the cluster. In this regard, he referred to the order dated 21.12.2010 issued by the Director Secondary Education, Haryana, Chandigarh (Annexure P-6). By referring to paragraph 8.1 (ix) of the advertisement, learned counsel for the appellant has argued that the age prescribed for the post of TGT was 18-42 years on the last date of submission of the application i.e. 15.03.2023 and the date of birth of the appellant is 18.08.1975. Therefore, on the date of submission of her application form, the appellant was 47 years, 6 months and 25 days. As per paragraph 8 of the advertisement the appellant was entitled for five years relaxation in age being a legally divorced woman and was also entitled to another relaxation in age equal to the number of completed years of service but this fact was not considered by the learned Single Judge.

4. Per contra, learned State counsel by referring to the letter dated 08.11.2024 issued on behalf of the District Project Coordinator, Samagra Shiksha, Panchkula, addressed to the Advocate General, Haryana (which is ordered to be taken on the record) submits that the appellant neither worked as a regular teacher in any school nor any time table was ever allotted to her in any school. As per her job profile she only performed her duties as a mentor to the teaching staff under her cluster and guided them for the betterment of the students by visiting the allotted schools in her cluster.

5. We have heard the learned counsel for the parties and have also perused the material available on the record.

6. A bare perusal of the record would show that the appellant



would be entitled for further age relaxation in terms of paragraph 8 of the advertisement based upon teaching experience on an equivalent post in a privately managed Government Aided School or recognized school or Government School in the State of Haryana provided that the experience certificate in this regard was issued by the Head of the Institute and verified by the BEO/BEOO as also counter-signed by the DEO/DEEO of the concerned District but in the present case, the appellant's experience certificates were not counter-signed by the competent authority(s) which was an essential requirement. We have also examined these certificates and find that the observations made by the learned Single Judge are correct as these certificates have not been counter-signed by the competent authority. Even the certificate issued by the Principal, Government Senior Secondary School, Sector 19, Panchkula (Annexure P-3) depicts that the same was issued by the Principal, Government Senior Secondary School, Sector 19, Panchkula by referring the appellant as Assistant Block Resource Coordinator (ABRC) in HSSPP at Cluster GSSS, Sector 19, Panchkula from 07.08.2009 to till date.

7. Learned counsel for the appellant raised a sole argument that since the appellant worked as a teacher and was having requisite experience of teaching for the post she was entitled to appointment after grant of further age relaxation. A perusal of the impugned judgment would show that her experience as Assistant Block Resource Coordinator in the HSSPP could not have been considered for the purpose of relaxation since there was no material on record that while serving of the said post the appellant's



experience was on an equivalent post of TGT.

8. The relevant paragraph of the advertisement are reproduced herein below:

“8. **Relaxation in Age:**

As per Haryana Govt. Instructions No. 22/06/2021-IGS-III, dated 25th March, 2022, benefit of relaxation in upper age limit, applicable to various categories, is as follows:

(1) Where the upper age limit is 42 years without any relaxation in age the same shall not exceed 52 years for the applicants who are entitled to get the benefit of relaxation in age of one or more categories under various circumstances mentioned below:-

Sr. No.	Categories where relaxation is admissible	No. of years of relaxation
(i)-(iv)	xxx	xxx
(v)	Widowed or legally divorced women;	5 years’ relaxation in age.
(vi)-(viii)	xxx	xxx
(ix)	Persons who have already worked or presently working on adhoc/contract/work- charged/daily wages basis in any Department Board/Corporation of Haryana Government including Government- aided institutions under Haryana Government.	Relaxation in age equal to the number of completed years only on equivalent post on adhoc/contract/work- charged/ daily wages basis excluding the period of break, if any, including any other age relaxation admissible, if any, subject to maximum age of 52 years and also subject to the condition that if once a person has been appointed on regular basis in any Department/ Board/ Corporation etc. of Haryana Government with the benefit of



		<i>relaxation in age he will not be entitled to avail the same again for any subsequent appointment.</i>
--	--	--

Note 1 - xxxxx

xxxx

Note 2 - xxxx

xxxx

Note 3- The experience certificate(s) of equivalent post issued by the Appointing Authority of respective Department/ Board/ Corporation/ Government aided Institutions only shall be valid. Before grant of benefit of relaxation in age, the experience certificate(s) shall be got verified by the HPSC/HSSC from the concerned Appointing Authority(ties).

8.1 Teachers working in privately managed Govt. Aided Schools, recognised schools and Government Schools of Haryana State shall be given age relaxation in upper age limit to the extent of service rendered by them as a teacher subject to a maximum of 5 years once for his/her appointment as per directions of Hon'ble Punjab & Haryana High Court, Chandigarh dated 06.01.2015 passed in CWP No.20110 of 2014, Som Nath Vs. State of Haryana & others and for such working teachers, upper age relaxation certificate from Head of the Institute is mandatory and must be verified by BEO/BEE0 & counter-signed by District Education Officer/District Elementary Education Officer of the concerned district even for CBSE/Central Schools and Navodaya Vidyalaya vide Department 07.09.2022. Letter No.15/32-2020TGTR&A(I) dated 07.09.2022.”

9. After examining the afore-quoted terms of the advertisement, we are of the view that the appellant has already been granted due benefit of age relaxation on account of being a legally divorced woman and was not



entitled for any further relaxation since her experience as an Assistant Block Research Coordinator cannot be considered to be teaching experience on an equivalent post of TGT especially when the Principal-cum-Cluster Head who issued the letter dated 08.11.2024 it has nowhere mentioned therein that the appellant never worked as a regular teacher in any school.

10. Her job profile was only to guide the teaching staff for the betterment of students by visiting the allotted school in her cluster.

11. In view of the afore discussion, we are not inclined to interfere and consequently, the present intra Court appeal is dismissed.

12. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

26.11.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No