

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.19644 of 2013
Decided on: 19.12.2015

Harjinder Kaur

.... Petitioner

Vs.

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

G.S.Sandhawalia, J.(Oral)

The petitioner challenges the order dated 27.09.2011 (Annexure P-3) wherein the petitioner has been declared ineligible for the post of Lecturer in Home Science on the ground of being over age by respondent No.2. The reasoning given is that no certificate with regard to being a government employee during the counseling was presented. Thus, no age relaxation was given for being in the government service due to which being over-aged, the petitioner was declared ineligible.

It is not disputed that the petitioner had applied in pursuance of an advertisement dated 23.09.2009 (Annexure P-5) wherein 38 posts of Lecturers of Home Science were subject matter of appointment. As per Clause 12(a), the age of the candidate was required to be within the age of 18 to 37 years as on 01.01.2009. However, as per clause for employees in Government of Punjab and

other Government institutions as well as the Government of India, maximum age limit was 45 years under Clause 12(e). The same reads as under:

"(e) For the employees working with the Government of Punjab and other Government institutions as well as the Government of India, the age limit will be 45 years."

It is categorical case of the petitioner that the petitioner was entitled for the said age relaxation on account of having been in employment as Additional Programme Officer under the Mahatma Gandhi National Rural Employment Scheme since 16.10.2007. A No Objection Certificate dated 13.07.2010 (Annexure P-1) to that effect had also been obtained. Rather specific averments had been made in the writ petition also that on account of the same, the petitioner had been given the benefit of 3 marks for the work experience. Specific averments to this extent have been made in para 16, which have not been denied by the State in its reply.

The defence taken is that the petitioner was over age and therefore, not eligible. Rather a contrary stand has also been taken that no document had been submitted by the petitioner that she was in Government service. It is settled principle that on account of specific denial of the averments made that the marks have been awarded for the work experience on one hand which had put the petitioner on account of the said benefits within the zone of consideration. Therefore, being declared ineligible on account of over age was without being substance. Nothing has been recorded to show that she was over and above the age of 45 when she submitted her application.

Resultantly, the order impugned herein cannot be sustained being against the terms of advertisement wherein it is permissible that upper age can be uptill 45 years. The same is accordingly quashed and direction is given to respondent No.2 to reconsider the case of the petitioner on the strength of her application and merit apart and by giving her the benefit of her experience. Needful be done within a period of 3 months from the date of receipt of certified copy of the order.

The writ petition stands disposed of.

21.12.2015
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(G.S.SANDHAWALIA)
JUDGE