

Sr.No.256

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-20523-2015(O&M)

Decided on: **03.11.2015**

Yashbir Singh and othersPetitioners

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Ankit Grewal , Advocate for the petitioners.
Mr.Hitesh Pandit, Addl. A.G. Haryana.

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Mahesh Grover, J

Reply on behalf of respondent no.2 filed in Court today is taken on record.

The petitioner is an aspirant for the post of Sub Inspector regarding which an advertisement was issued by the respondents who desired to fill up vacant posts.

The issue revolves around Rule 12.6(4)(C) which manifests itself in the advertisement as well. For the purposes of references same is extracted here below:-

*“[4***] (C) He must not be , on or before the 1st day of February next preceding the date of submission of application to the Public Service Commission/Subordinate Services Selection Board, less than 21 years and more than 27 (5***) years of age for the post of an Inspector or (6***) Sub Inspector: Provided that the Legal Practitioners selected for appointment as prosecuting Sub Inspectors, may be appointed upto 30 years of age.”*

The advertisement having been issued on 19.07.2015, for the petitioners to

be eligible in terms of which they would be required to be not less than 21 years

and more than 27 years on the first day of February, next preceding the date of submission of application. The dates of birth of the petitioners are as under:-

Sr.No.	Applicant's Name	Date of Birth
1.	Petitioner no.1 Yashbir Singh	27.12.1988
2.	Petitioner no.2 Amit Malik	10.12.1988
3.	Petitioner no.3 Varun Kumar	17.09.1988

All of them, therefore, do not complete 27 years on the first day of February next preceding the date of submission if the interpretation as placed by the petitioners is accepted. The respondents, however, plead that first day of February next preceding from the date of submission of the application would be February 2016 and not 2015 which, in the considered view of this Court, is erroneous interpretation placed by the respondents to deny the petitioners consideration. The word 'preceding and next' as appearing in the Rule would mean the month of February which precedes the actual date of submission of the application and not the one which succeeds it. The plain reading of the Rule leaves no room for doubt that the word 'preceding next' is akin to the phraseology of 'preceding immediately'. Besides the matter is no longer *res integra* as a Division Bench of this Court while interpreting this very Rule concluded that the age would have to be seen on the first day of February of the year when the advertisement was issued. In a case before the Division Bench, the petitioners therein were beyond the age of 27 years on 01.02.2007 in which year the advertisement was issued. They intended to place an interpretation that they are within age if 01.02.2008 is considered as the February 'next preceding' the date of application. This plea was specifically negated implying thereby that first day of February 'next preceding' the date of submission of the application would be the one which falls in the very same year of the advertisement.

In the instant case advertisement having been issued on 19.07.2015 the next preceding February would be of the same year i.e 2015 and thus the petitioners are

within the prescribed age to merit a consideration.

Consequently, the writ petition is allowed and the respondents are directed to consider the claim of the petitioners in accordance with law.

03.11.2015

mamta

(MAHESH GROVER)

JUDGE