

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.1076 of 2016

Date of decision: 21.1.2016

Ritu Rani

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr. J.P.Dhull, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The challenge is for quashing the condition no.5 of age limit of advertisement dated 9.11.2015 (Annexure P/5) and for issuance of a direction to respondent to accept the application form (hard copy) of the petitioner for the post of ETT Teacher in terms of the said advertisement and Public Notice dated 24.12.2015 (Annexure P/7) by considering her eligible.

Counsel for the petitioner submits that the petitioner has attained the age 18 years on 19.8.2015 and therefore she has become eligible for applying to the said post and condition no.5 in the advertisement whereby it is stipulated that the candidate should be between 18 to 37 years as on 1.1.2015 is arbitrary.

The said argument can not be accepted. Rule 5 the Punjab State Education Class-III (Primary Schools Cadre) Service Rules, 1997 (hereinafter referred to as "the Rules") provide that the minimum age has to be 18 years and not more than 42 years on the 1st day of January of the year immediately preceding the last date fixed by the Board. The same reads as under:-

"Age-(1) No person shall be recruited to the service by direct appointment if he is less than eighteen years or is more than forty-two years on the 1st day of January of the

year immediately preceding the last date fixed for submission of applications by the Board or such authority as may be specified by Government in this behalf from time to time unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government from time to time.”

Admittedly the advertisement was published on 9.11.2015. The last date fixed for submitting applications was 2.12.2015. Clause 5 in the advertisement was thus in consonance with the Rule 5. Merely because this Court vide interim orders has directed that the last date is extended on account of certain litigation which has arisen on account of wrong answer keys etc. in P.S.T.E.T.-2015 would not entitle the petitioner to contend that last date has now been extended to the year 2016 and therefore the eligibility is to be seen as on 1.1.2016.

The Board at that point of time could not anticipate that there would be litigation and the last date would have to be extended. In the absence of any challenge to the Rules the said Clause can not be held to be bad in any manner. The petitioner having qualified in PSTET-2015 subsequently will be eligible for a period of 7 years and thus she has right of consideration for appointment in the coming years. It is settled principle that there is no vested right of appointment.

Accordingly, finding no merit in the present writ petition, the same is dismissed in limine.

January 21, 2016
Pka

(G.S.SANDHAWALIA)
Judge