

CWP No.22362 of 2011

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.22362 of 2011

Date of Order: 22.08.2016

Dhaninderjit Singh

....Petitioner

Versus

Secretary to the Govt of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Surmukh Singh, Advocate for the petitioner.

Mr. Harkesh Manuja, Addl.A.G, Punjab.

Mr. S.S. Behl, Advocate for respondent Nos.2 & 3.

Mr. Shiv Kumar, Advocate for respondent Nos.4 & 5.

JASWANT SINGH, J (ORAL)

C.M.No.9992 of 2016

Application is allowed. Reply filed on behalf of respondent Nos.4 along with Annexure R.4/1 (colly) & R.4/2 (Colly) is taken on record.

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The petitioner was appointed as Clerk in October 1993 in the office of Punjab School Education Board on ad hoc basis. His services were regularized in the year 2003 on the post of Computer Operator/Programmer. He is averred to have been subsequently promoted as a Junior Assistant.

Challenge in the present petition is laid to the decision dated 27.11.2011 (P.9) whereby the Screening Committee has declared the petitioner as ineligible, being overage, for the post of Subject Expert (Computer) advertised to be filled up by way of direct recruitment vide Advertisement dated 15.10.2011 (P.4).

The primary basis for challenge is stated to be the malafide on the part of Gurtej Singh-impealed respondent No.4. It is alleged that respondent No.4 is working as Deputy Director in the Punjab State Education Board and on account of a previous grudge harbored by him against the petitioner since his appointment as Deputy Director was challenged by the petitioner in an earlier writ petition, respondent No.4 has manipulated the rejection of the candidature of the petitioner.

It is not in dispute that the date of birth of the petitioner is 30.11.1962 and on the last date of submission of form, he had attained 49 years of age and the upper age prescribed by the Government of Punjab for seeking employment in Government is 37 years.

Learned counsel for the petitioner submits that the petitioner has almost 16 years of experience of working with the Department, therefore, being an internal candidate, he is entitled to age relaxation to the extent of number of years as per the previous practice.

Learned counsel for the respondent-Board has submitted that the post of Subject Specialized (Computer) is governed by the Punjab School Education Board (Employees Service) Regulations and as per Regulation 14, it is provided that no person shall be recruited to the service by direct recruitment, who is more than 37 years of age, as stipulated by the Punjab Government. It is further provided that in case of posts where the experience is one of the essential qualifications, the upper age limit would be increased by number of maximum years of

experience required for such posts. Thus, in the present case as two years professional experience in computer application relating to examination work/preparation of results is prescribed and advertised, the maximum relaxation in age that can be granted to the petitioner is of two years, but even then the petitioner being 49 years of age does not become eligible for being considered for appointment by way of direct recruitment.

In the aforesaid reply filed on behalf of respondent No.4, the malafide has been specifically denied.

After hearing learned counsel for the parties and perusing the paper book with their able assistance, it is apparent that the present petition is devoid of any merit. The solitary post of Subject Specialized (Computer) advertised to be filled up by way of direct recruitment vide Advertisement (P.4) *inter alia* lays down the possession of two years professional experience. The petitioner, at best, is entitled to two years of relaxation in age, but still concededly, the petitioner does not fall within the maximum age limit provided for appointment in Government service being more than 37 years of age.

In view of the aforesaid discussion, this court finds no merit in the present petition.

Dismissed.

August 22, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No