

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

CWP No.15755 of 2016 (O&M)

Date of decision:05.08.2016

Ved Parkash

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.S. Jammu, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner is an applicant for the post of Law Officer to be recruited in the Vidhan Sabha Secretariat.

The instant petition has been filed praying for the issuance of a writ of mandamus for directing the respondents to take a decision on an application filed by the petitioner for grant of age relaxation.

Counsel for the petitioner has been heard at length.

Undisputedly, the post of Law Officer is a Group 'B' post and governed by the Haryana Vidhan Sabha Secretariat Service Rules, 1981 (as amended from time to time). The upper age limit prescribed under the Rules for recruitment to the post of Law Officer is 45 years.

It is the petitioner's own case that he is overage.

Counsel has adverted to Rule 15 of the statutory rules governing the power of relaxation. Under Rule 15, the Appointing Authority upon forming opinion that it is necessary or expedient to do so, may by passing an order recording reasons therein relax any of the provisions of the Rules in respect of any class or category of persons.

Clearly, the issue with regard to relaxation in the upper age limit would be entirely with the prerogative of the Competent Authority. A writ of mandamus cannot be issued for directing the employer/Competent Authority to grant age relaxation pertaining to a recruitment process for a post which is governed by certain statutory provisions. The decision, if any that is to be taken by the Competent Authority would be in the backdrop of relevant parameters and for reasons to be recorded in writing. The relaxation that is sought by the petitioner is not for any category or class of persons but it is a prayer centric to himself.

No directions are required to be passed in this matter.

It is open for the petitioner to pursue the matter with the respondent/authorities.

Disposed of.

05.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether reasoned/speaking? | Yes |
| ii) | Whether Reportable? | No |