

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23827 of 2016
Date of Decision: 21.11.2016

Sunita

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Bhupander Ghanghas, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

1. Strange is this case where a lady is before the Court complaining that she is in the process of applying for the post of District Functional Manager in the Haryana State Rural Livelihood Mission which is run by a society registered under the Societies Registration Act to manage poverty elimination programmes under a scheme sponsored by the Ministry of Rural Development, Government of India in the States including Haryana. The petitioner works for the society as a Block Cluster Coordinator Manager and asserts in the petition that the public advertisement (Annex P-1) advertises 16 different category of posts for filling up but fixes no upper age limit to serve in the Mission and this will prejudice her by expanding the zone of consideration when not limited by age. The advertisement has been issued by the Mission in tandem with the Deen Dayal Upadhaya Gramin Kaushalya Yojna under the flagship scheme of the Government of India, namely, the DAY-NRLM. The last date of receiving applications was up to November 15, 2016. The advertisement has

been issued by the Project Director, HSRLM, Panchkula on the website and the terms and conditions of the offer of appointment have been uploaded for access by candidates enabling them to download the prescribed forms etc. for participating in the selection process. Stranger still, the petitioner wants the advertisement quashed by certiorari only because maximum age is not mentioned therein and is thus open to all ages. The argument I am afraid is not based on statutory regulation by rules. No provision of law has been shown to the Court which speaks of age of direct employment in the Mission.

2. I asked Mr. Ghanghas appearing for the petitioner to read the philosophy and commitment expected for filling up the posts to which his client is only an applicant to one of the 16 posts notified, by reading aloud in Court para.2 of the advertisement if there is anything arbitrary in the search for talent. A plain reading reveals that the Mission [HSRLM] seeks persons with “commitment” to the cause and calls “enthusiastic professionals to play a leading role to serve the Mission and support field teams in achieving project outcomes”. Experience is what age brings.

3. Mr. Ghanghas fails to appreciate that this Court is not dealing with a case of direct recruitment in a Government department or a Board or Corporation. It is dealing with the National Rural Livelihood Mission where only experience will matter to induct personnel to inspire by their leadership qualities to achieve the Mission goals. The Mission is looking for motivators and for this work there can be no upper age limit. To accept the prayer of the petitioner would be to scuttle the Mission and tie it down to standards which suit the petitioner, or so she thinks. There is nothing illegal,

arbitrary or unconstitutional in not fixing age limits for certain types of callings where commitment, enthusiasm or leadership qualities are required supporting and “guiding field teams in achieving the aims and objects of the Mission of poverty elimination”. Merely because the society had earlier mentioned upper age limit of 62 years in its advertisements is no germane ground to insist upon the respondent mission to continue with the age ceiling. It may be that experience gained by past advertisements may not have brought adequate skills to the branches of the Mission and I would not like to clip the wings of the Mission and direct them to put a maximum age limit in the advertisement by a mandamus to alter the terms and conditions of the advertisement. The petitioner has no right to insist that an aged person cannot perform the job required by the Mission properly as against the petitioner, an in service candidate, in a better way. The petitioner has no locus standi to question the advertisement which fixes no age limit. Non-fixing age limits causes no prejudice to her rights of consideration. The petitioner cannot be said to be a “person aggrieved” within Article 226 of the Constitution of India and, therefore, a writ will not issue for the asking without demonstrated injury. Accordingly, writ of certiorari and mandamus is refused.

4. The petition stands dismissed *in limini*.

(RAJIV NARAIN RAINA)
JUDGE

21.11.2016

manju

Whether speaking/reasoned Yes

Whether reportable Yes