

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

CWP No. 26237 of 2016
Date of Decision: 19.12.2016

VIJAY KUMAR AND OTHERS

... *Petitioner*

VS.

STATE OF PUNJAB AND OTHERS

..*Respondents*

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gourav Jain, Advocate,
for the petitioner.

KULDIP SINGH, J. (Oral)

The petitioners has preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of certiorari of setting aside/modification of the impugned letter dated 24.11.2016 (*Annexure P-3*) passed by the respondent No. 2 vide which age criteria for the post of Multi Purpose Health Worker (Male) has been fixed from 18 to 37 years as the said vacancies are lying vacant since 2006 and recruitment process has been initiated after a period of 10 years.

Brief facts of this case are that the petitioners have applied for the post of Multi Purpose Health Worker (Male) in their respective categories. The age mentioned in the advertisement for said post is 18 to 37 years and whereas the petitioners are aged between 38 to 42 years.

The short prayer of the petitioners is that the upper age limit for the aforesaid post might be relaxed upto 42 years so as to make them eligible for the same. It is stated that the vacancies are lying vacant since 2006 and the recruitment process for the same has been initiated only after 10 years, making them ineligible for the said post.

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After hearing learned counsel for the petitioner, I am of the view that the Court by judicial order cannot legislate and direct the respondents to amend the Rules. It is primarily the job of the executive to consider the circumstances and fix the upper age limit for the post.

It being so, there is no merit in the present petition. Therefore, the same is dismissed. However, the petitioners can always approach the Government for relaxation of age limit on the grounds as they deem fit.

December 19, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned

✓
Yes / No

Whether Reportable

✓
Yes / No