

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

Date of decision:3.2.2016

CWP No.318 of 2016

Vikram Pathania & ors.		... Petitioners
	Versus	
State of Punjab & ors.		... Respondents

CWP No.1444 of 2016

Monika Sharma		... Petitioner
	Versus	
The State of Punjab & anr.		... Respondents

CWP No.1234 of 2016

Baldeep Kaur Cheema & anr.		... Petitioners
	Versus	
The State of Punjab & ors.		... Respondents

CWP No.1682 of 2016

Rajveer Kaur		... Petitioner
	Versus	
State of Punjab & ors.		... Respondents

CWP No.2172 of 2016

Paramjit Singh & anr.		... Petitioners
	Versus	
State of Punjab & ors.		... Respondents

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

Present: Mr. Balwinder Singh, Advocate, (in CWP No.318 of 2016)
Mr. Sunny Singla, Advocate (in CWPs No.1234, 1444 of 2016)
Mr. Madhav Pokhrel, Advocate (in CWP No.1682 of 216)
Mr. BS Ichhewal, Advocate (in CWP No.2172 of 2016)
for the petitioner.

Dr. Puneet Kaur Sekhon, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of above cases bearing CWPs No. 318, 1444, 1234, 1682 and 2172 of 2016 as common questions of law and fact are involved in them which can conveniently be decided by a common order. The facts are taken from CWP No.318 of 2016 for the sake of convenience.

2. The issue raised in this petition with respect to parties having become overage and to accord relaxation in age limit has been considered and decided recently by the learned Single Judge in CWP No.26166 of 2015, titled as 'Vineet Kumar & ors. v. State of Punjab & ors.' and connected writ petitions, decided on 21.1.2016 and the decision of fixing the upper age limit of 37 years was not liable to be interfered with. Accordingly, the writ petitions stand dismissed. In the present case, the same rules are under consideration i.e. Punjab State Education Class-III (Schools Cadre) Service Rules, 1978 and they inter-play with the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, where age limits have been prescribed in Rule 5. The learned Single Bench in Vineet Kumar's case(supra) has dealt with Rule 20 of the 1994 Rules, which have overriding effect of the rules of the department. Rule 20 provides that anything contrary contains in the rules for the time being enforce for regulating the recruitment and conditions of service shall not have effect. This case is covered by the decision rendered by the learned Single Judge in Vineet Kumar's case. Reliance placed by Mr. Balwinder Singh, learned counsel for the petitioner in CWP No.318 of 2016 in his effort to distinguish the ruling in the case of Vineet Kumar while relying

on a decision of the Meghalaya High Court in **Runavallerie N. Sangma v. State of Meghalaya & ors.**, 2015 LIC 2728 is misconceived. In that case, the learned Single Judge of the Meghalaya High Court was not apprised that the law stated in **Union of India & anr. v. Arunmozhi Iniarasu & ors.**, (2011) 7 SCC 397 = AIR 2011 SC 2731, where the legal position has been explained which is of universal application and applies to the present case. Accordingly, no direction can be issued to the State to relax age to bring the petitioner within the zone of consideration.

Consequently, the petitions are dismissed.

3.2.2016
monika

(RAJIV NARAIN RAINA)
JUDGE