

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

**CWP No.6381 of 2016 (O&M)
Date of decision : 22.08.2016**

Dinesh Singh

....Petitioner

Vs.

Haryana Public Service Commission

....Respondent

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

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

...

TEJINDER SINGH DHINDSA, J.

The Haryana Public Service Commission, Panchkula issued an advertisement at Annexure P-1 inviting applications from eligible candidates for recruitment of 4 temporary posts of Labour Officer-Cum-Conciliation Officer in the Labour Department, State of Haryana. The closing date for submission of application forms was 18.02.2013. Apart from laying down the essential qualification required for the post, clause 5 stipulated eligibility as regards age and the relevant extract reads as follows:

*“5. **Age:-** (i) A candidate should not be less than 21 years and not more than 40 years as on 18.02.2013. Relaxation in upper age to the SC/BC, ESM candidates as per Haryana Govt. instructions wherever posts reserved for these categories.”*

Apparently, the petitioner had applied for the post. Petitioner claims himself to be an ex-serviceman having served the Indian Air Force for a period of 17 years.

The instant petition has been filed impugning the letter dated 09.07.2014 at Annexure P-4 in terms of which candidature of the petitioner for the post in question has been rejected on the ground that he is overage.

The precise argument raised by Mr. Vikram Singh, learned

counsel for the petitioner is that even though as per advertisement, there was no reservation provided for the ex-serviceman category, yet the petitioner was in spite of being considered as a general category candidate entitled to age relaxation in the upper age limit which is otherwise available to ex-serviceman candidates.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no interference in the matter is called for.

In the first instance, it may be noticed that the stipulation in the advertisement and in particular clause 5 clearly stated that a candidate should not be less than 21 years and not more than 40 years as on 18.02.2013. Furthermore, it was clearly recited that relaxation in upper age to the SC/BC, ESM candidates would be as per Haryana Government instructions wherever posts are reserved for such categories. It has gone uncontroverted that in the advertisement, there was no reservation provided for the ESM category. The stipulation in the advertisement was clear and categoric that relaxation in the upper age even to the ESM candidate is available only when a post is reserved for such category. It would be assumed that the petitioner had read each and every condition in the advertisement prior to submitting his application. Even though, it may be the case of the petitioner that without reservation being provided for ESM category for post in question, he is entitled to relaxation in upper age limit being an ex-serviceman, the cause of action if any had arisen to the petitioner at the stage of issuance of the advertisement itself. He chose not to challenge such stipulation in the advertisement at the very threshold. The instant petition has been filed after the selection process has been concluded

and appointments having been made.

Another relevant aspect that has weighed with this Court while declining to interfere is that the process of selection commenced in the light of an advertisement having been issued in December, 2012/January, 2013. Learned counsel for the petitioner concedes that the selection process culminated in January, 2014 when the result was declared and appointment letters were issued soon thereafter. The 4 posts of Labour Officer-Cum-Conciliation Officer have since been filled up. The instant petition has been filed only in the year 2016 in relation to a selection process that was initiated in January, 2013 and had culminated in January, 2014. None of the candidates selected and appointed have been impleaded as party respondents in the present petition. The petition is bad for non-joinder of necessary parties as well.

In the totality of the circumstances, no basis for interference is made out.

Petition is dismissed.

22.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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