

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

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CWP No. 22519 of 2017

Date of decision: 06.10.2017

Ashok Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. N.K. Malhotra, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

The petitioner has raised a two fold grievance in this petition; firstly, that he having applied for the posts in question, pursuant to advertisement No.7/2015 having been published on 10.07.2015, application forms for which were to be filled in between 23.10.2015 to 23.11.2015, he should not have been considered over age as he had completed 42 years of age only on 24.09.2015.

At the time when notice was issued, what this Court had missed out was, that even the first date by which online application forms were to be filed in, was 23.10.2015, by which date the petitioner had already completed 42 years of age.

The age limit prescribed in the aforesaid advertisement (Annexure P-1) is 17 to 42 years, with the reference date as regards degrees obtained, age attained etc. being 23.11.2015, which was the last date for submitting online application forms.

Thus, either which way, the petitioner does not come within the age limit of 42 years, either on the first, or the last date for filing the

application forms, with the latter being the reference date given, on which the necessary eligibility conditions were to be seen to be fulfilled.

Hence, simply because the advertisement was issued on 10.07.2015, on which date the petitioner had still to complete 42 years of age, that date cannot be taken by the Court to be the 'cut off date', which was 23.11.2015.

Learned counsel has thereafter raised the issue that the petitioner being a candidate from the Sports Category, he being an outstanding sportsman (as contended), relaxation in age should be given to such category of sports persons, in the same manner as it is given to Scheduled Caste, Backward Class, Economically Backward Persons and Special Backward Classes, as also to physically handicapped persons. Relaxation in age is also stated to be admissible to ex-servicemen to the extent of three years of continuous military service rendered by them. In the case of widows, legally separated women, divorcees, deserted women and unmarried women also, relaxation of age upto 47 years is stated to be given.

Though undoubtedly various categories of candidates have been given the aforesaid relaxation, however, even for granting reservation to specific categories, the decision to do so is in the domain of the executive, which this Court would not interfere with unless some wholly arbitrary action/reason is shown. Similarly, to grant such relaxation is also an executive decision, which in my opinion is not shown to be arbitrary in the present case, outstanding sports persons being a wholly different class of persons than either those falling within the “vertical reservation categories”, or physically handicapped persons or ex-servicemen.

However, the petitioner having made a representation in that

regard, addressed to the “Commissioner and Secretary, Administrative Department”, a copy of which is annexed as Annexure P-9 with the petition, this petition is disposed of with a direction to the Chief Secretary to Government of Haryana to go into the aforesaid representation and to take a decision on it within a period of three months from the date of receipt of a certified copy of this order.

It is made clear that simply because this Court has expressed its opinion upholding the criteria of eligibility (as has been challenged in this petition), that would naturally not be a bar on the Government taking a decision to revise the age limit for appointment of outstanding sports persons to different posts in the Government.

October 06, 2017
Poonam (II)

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned: *Yes*

Whether reportable: *Yes*