

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8911 of 2016 (O&M)

Date of Decision : 20th February, 2017

Pradeep Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Balbir Kumar Saini, Advocate for
Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner is challenging the action of the respondent
No. 3 rejecting his candidature.

Brief facts of the case are that respondent No. 3 had issued advertisement
dated 04.02.2016 whereby among other posts, post of Seed Certification Officer was
also advertised at Category No. 58, as per which the age of the candidate had to be
between 25 to 42 years. As per the instructions of respondent No. 3, the eligibility in
all respects is to be seen on the last date of submission of application i.e. 10.05.2016.
Admittedly, on that date the petitioner had not completed the age of 25 years which
he would have completed after six months i.e. on 25.12.2015 and on this score, the
respondent No. 3 had rejected his application.

Learned counsel for the petitioner has argued that the said advertisement is contrary to the statutory rules. The Haryana State Seed Certification Agency Service Rules which are admittedly on the record are appended as Annexure P-3. The rules are as follows:-

“No person shall be appointed to the service by direct recruitment unless he attains the age as specified in Annexure B against each post on or before the first day of January next proceeding the last day of submission of application to the Agency. The age is however relaxable in deserving cases.

Provided that in the case of candidates belonging to the Scheduled Caste, Scheduled Tribes and Backward Classes, the upper age limit shall be such as may be fixed by the Government from time to time.”

A perusal of this rule reveals that age of 25 years had to be taken on the first day of January next proceeding the last day of submission of application form i.e. in the present case date of birth of the petitioner would have to be reckoned on 01.01.2017. In the circumstances, the action of respondent No. 3 in rejecting the candidature of the petitioner can not be held to be justified as per the rules.

Consequently, the petition is allowed. The respondents are directed to rectify the advertisement as per the aforementioned rules and consider the candidature of the petitioner if he falls within the zone of eligibility.

20th February, 2017
reena/ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No
Whether Reportable : Yes/No