

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

CWP No.14845 of 2014

Date of Decision: 11.10.2018

Sarita Singla

.....Petitioner

Versus

State of Punjab & another

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Aman Dhir, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG Punjab.

JITENDRA CHAUHAN J.

Through the instant civil writ petition, the petitioner seeks direction to the respondents not to reject her candidature after treating her as overage.

The petitioner is a contractual employee and is desirous of being considered for the post of Headmistress for which she has applied pursuant to a public notice (Annexure P-1). The notice indicates that the age limit for in service candidates, either of State or Central Govt. employees would be reckoned to be 45 years. The petitioner otherwise stands at Sr. no.100 in the eligibility list prepared by the respondents but her candidature was not considered being overage.

By virtue of interim directions issued by this Court on 04.08.2014 and 04.09.2014, the petitioner was permitted to participate in the selection process for the post of Head Mistress. However, her result was ordered to be kept in sealed cover.

The short question raised in the present writ petition “whether the petitioner is entitled to the benefit of relaxation of age in lieu of the

service rendered by her on contractual basis?" has been decided by Hon'ble the Division Bench of this Court in **CWP No. 12069 of 2015 (O&M)** decided on 06.02.2017 titled as **"Union Public Service Commission vs. Sunita Sharma and others"**. Hon'ble Division Bench has held as under:-

"The contractual appointees were thus held entitled to the benefit of age relaxation being employees of MCD though it was unequivocally held that if the advertisement restricts the benefit of age relaxation to permanent or regular employees then such a condition can be legitimately justified."

The advertisement (Annexure P-1) does not restrict the benefit of age relaxation to permanent or regular employees, therefore, the ratio of law laid down in the aforesaid CWP No. 12069 of 2015 applies to the instant case with full force.

Consequently, the present civil writ petition is allowed. The respondents are directed not to reject the candidature of the petitioner on the ground of age and consider her candidature for the post of Headmistress, if she qualifies other conditions of the advertisement. The sealed cover containing the result of the petitioner be opened and given effect to.

11.10.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No