

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

**CWP NO. 12326 of 2016(O&M)  
DATE OF DECISION : 27.05.2019**

**Suman**

**... Petitioner**

**versus**

**Union of India & Ors.**

**... Respondents**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. S.K. Verma, Advocate,  
for the petitioner.

Mr. Vipul Aggarwal, Advocate  
Sr. Panel Counsel for Union of India.  
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**ARUN MONGA, J. (ORAL)**

1. Petitioner herein seeks issuance of directions to the respondents to allow her to participate in medical examination for the post of Constable (General Duty) advertised vide notification dated 24.01.2015 (Annexure P-1), for which she was wrongly rejected on the ground of 'over-age', despite the fact that she has successfully cleared the Physical Standard Test, Physical Efficiency Test.

2. Succinctly put, the facts of the case are that pursuant to employment notification (Annexure P-1), the petitioner applied for the post of Constable (General Duty). She successfully cleared Physical Standard Test, Physical Efficiency Test and written test. She was called for medical fitness test. However, she was not allowed to participate in medical test on

the ground of being over age.

3. Learned counsel for the petitioner submits that as per notification (Annexure P-1) age prescribed was between 18 to 23 years on the cut off date i.e. 01.01.2015. Petitioner was less than 23 years of age as on 01.01.2015, as her date of birth is 31.03.1992 and was fully eligible for the post, yet she was not allowed to participate in the medical test.

4. In the return, the respondents have taken a stand that the age limit of the candidates for the post was between 18 to 23 years as on 01.08.2015 and he/ she must not be born earlier to 02.08.1992 and not later than 01.08.1997 as is evident from Annexure R-1. Date of birth of the petitioner is 31.03.1992. Therefore, her candidature was rightly rejected being overage, however, she participated in Physical Standard Test, Physical Efficiency Test and written test.

5. I have gone through the respective pleadings and heard the learned counsel for the parties.

6. Concededly, as per the advertisement (Annexure P-1) age limit was between 18 to 23 years as on 01.01.2015 for the post of Constable (General Duty). The petitioner, according to the said criteria, was eligible to apply for the post being less than 23 years of age. Her candidature was not rejected initially but later on due to corrigendum Annexure R-3 vide which cut-off date was changed from 01.01.2015 to 01.08.2015.

7. Learned counsel for the petitioner has drawn my attention to the corrigendum dated 23.02.2015 (Annexure R-3) which has been appended with the return filed by the respondents, where same cut-off date i.e. 01.01.2015 has been mentioned for the candidates and it was changed to 01.08.2015.

8. Confronted with the situation, learned counsel for the respondents submits that the same is a typographical error. According to him, correct advertisement was published in the employment news as reflected from Annexure R-1 wherein the cut off date was rightly recorded as 01.08.2015. There is no substance in the stand of the respondents as nothing is mentioned about the typographical error having crept into the employment notice in the return filed herein, nor the same has been stated in the corrigendum(Annexure R-3), whereby the cut-off date was changed from 01.01.2015 to 01.08.2015.

9. In the premise, the stand of the respondents that the candidature of the petitioner has been rightly rejected by considering the cut off date to be 01.08.2015 and not 01.01.2015 is not tenable.

10. The petitioner had applied online for the post of Constable (General Duty) pursuant to advertisement (Annexure P-1). Subsequently she successfully attempted her Physical Standard Test, Physical Efficiency Test and written test. Candidature of the petitioner was rejected when she has to participate in medical fitness test on the ground of being overage as on 01.08.2015.

11. Once the process of selection had commenced, the respondents having unilaterally notified the corrigendum, could not have changed the cut-off date from 01.01.2015 to 01.08.2015, as it was not legally permissible.

12. Having gone through Annexure R-1 read with corrigendum Annexure R-3, it is evident that the corrigendum was issued on 23.02.2015 i.e. on the closing date of applying for the post. Till that time, every candidate has already filed their form. Change of criteria is not permissible

in law, once the process of selection commenced. The Hon'ble Apex Court settled this position in catena of judgments. Reliance can be had on **K. Manjushree Vs. State of A.P. & Anr. 2008(2) SCT 6**. The relevant whereof is reproduced hereinbelow:-

*“28. In Maharashtra State Road Transport Corporation v. Rajendra Bhimrao Mandve, 2001(10) SCC 51, this Court observed that 'the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced.' In this case the position is much more serious. Here, not only the rules of the game were changed, but they were changed after the game has been played and the results of the game were being awaited. That is unacceptable and impermissible.”*

13. In view of the discussion and reasons contained therein, the writ petition is allowed and the respondents are directed to consider the candidature of the petitioner by reckoning the age eligibility between 18 to 23 years as on 01.01.2015 and not as on 01.08.2015 and allow her to participate in medical test. It is, however, made clear that the relief granted to the petitioner being personal in nature, is confined to her case only as she had approached this Court.

14. With the aforesaid observations, the writ petition stands disposed of.

**(ARUN MONGA)**  
**JUDGE**

**May 27, 2019**

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1. Whether speaking/ reasoned: Yes/ No

2. Whether reportable: Yes/ No