

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17722 of 2019

Date of Decision: July 03, 2019

Dushyant Kumar

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Vikas Sonak, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Prayer in the present writ petition is for issuance of a mandamus directing respondent No.2-Haryana School Shiksha Pariyojna Parishad (HSSPP), Haryana Shiksha Sadan, Sector 5, Panchkula permitting the petitioner to submit the application form manually or by uploading/ amending the software for the post of Block Resource Person (BPS) advertised vide advertisement dated 15.06.2019 (Annexure P-1) as the application form is not being accepted owing to the fact that the age of the petitioner on the cut off date is 48 years, whereas the maximum age limit for submission of the application is 42 years.

It has been alleged that respondent No.2, vide advertisement dated 15.06.2019, invited applications for filling up 429 posts of Block Resource Person (BRP) on contract basis by prescribing the qualification. Petitioner possesses all the essential qualifications and submitted the application dated 04.07.2019, but the same was not accepted as the age limit

prescribed was 18 to 42 years.

Mr. Vikas Sonak, learned counsel representing the petitioner submitted that the column of advertisement prescribing the relaxation in the age of the candidates belonging to the Schedule Caste, Schedule Tribes and Backward Classes, Ex-Servicemen, Physically Challenged and Widows/ Divorcee etc., the upper age limit shall be such as may be fixed by the Government from time to time. The petitioner has been registered with the Haryana Employment Exchange since 2011 and at that time, he was aged 40 years 6 months and 10 days. This Court, in the judgment rendered on 04.06.2015 in Subhash Chand Versus State of Haryana & others while considering the identical situation and keeping in view the pendency of the application since long, permitted the candidates to apply in pursuance to the advertisement issued by the Government for filling up the post of particular category.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel for the petitioner.

The enrollment with the Employment Exchange is of 2011, whereas the advertisement is dated 15.06.2019. The judgment relied upon, copy of which has been annexed as Annexure P-7, was a case where the petitioners despite having been recommended for appointment as Post Graduate Teacher (PGT), but no appointment letter was issued having declared them as over age, whereas in the present case, on the date of application, petitioner had already rendered over age. The age, in such circumstances, cannot be relaxed and rightly so, the online application on the portal/website of respondent No.2 did not accept the same.

There is no pleading with regard to the fact that on how many occasions the petitioner has availed the opportunity from the Employment Exchange since 2011 till 42 years of age. The prayer is, thus, wholly devoid and fallacious. No ground for interference is made out. Resultantly, the writ petition is dismissed.

July 03, 2019
ramesh

(AMIT RAWAL)
JUDGE

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