

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

**C.W.P 15358 of 2018 (O&M)
Date of decision : 01.03.2019**

Subh LataPetitioner

versus

Union of India and others ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.K. Jangu, Advocate
for the petitioner.

Mr. Anil Chawla, Advocate
for the respondents.

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of impugned advertisement vide recruitment notice dated 04/05-2018 (P-23 and P-24) qua posts of Computer Operator whereby condition of maximum age of 35 years has been imposed.

This Court vide order dated 06.06.2018 has passed the following order:-

“It is contended that the petitioner was appointed as a computer operator with effect from 26.03.2012 initially till 30.09.2012 after a proper process of selection. Services were extended time to time and ultimately till 31.05.2018. It is submitted that the petitioner is sought to be replaced by another set of contractual employees as reflected in the advertisement Annexure P-23. Furthermore in an absolute illegal manner, maximum age of 35 years has been prescribed in the advertisement only with view of scuttle the rights of the petitioner.

Notice of motion for 26.07.2018.

Dasti as well.

The petitioner shall be permitted to continue on the post of computer operator till the next date of hearing.

It is not in dispute that the petitioner is working since 26.03.2012 on contract basis and has been selected after following due process of law. The contract period was extended from time to time till 31.05.2018. The petitioner was within the prescribed age limit when she was appointed but after the advertisement (P-23 and P-24) have been issued, she has been made ineligible by imposing condition of maximum age of 35 years. Thus the petitioner cannot be replaced at this stage with another contractual employee as she is working for the last about 07 years.

Keeping in view the above fact, the writ petition stands allowed and respondents are directed not to replace the petitioner by another set of contractual employee, in view of judgment of Hon'ble the Supreme Court in a case of ***Hargurpratap Singh vs. State of Punjab and others, 2007 (13) SCC 292***, subject to the condition that her work and conduct is satisfactory. The petitioner be retained on the vacant post within a period of two weeks from the date of receipt of certified copy of this order and can be relieved after joining of regular candidate. The petitioner is not to participate in the fresh recruitment process.

March 01, 2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No