

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

L.P.A. No. 58 of 2016

Date of Decision : 21.02.2019

Jasmeet Kaur Appellant

VERSUS

The State of Punjab & another..... Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

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Present: Mr. Veneet Sharma, Advocate
for the appellant.

Mr. Pankaj Gupta, Addl. A.G. Punjab.

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MANJARI NEHRU KAUL, J.

1. In this intra-court appeal filed under Clause X of the Letters Patent, the appellant assails the order dated 07.01.2016 passed in C.W.P. No. 45 of 2016 vide which the learned Single Judge dismissed the writ petition for direction to the respondents to grant the relaxation of age to the petitioner (appellant herein) for appointment to the post of English Mistress.

2. Brief facts of the case are thus:

The appellant approached this Court by way of Civil Writ Petition No. 45 of 2016 for issuance of a writ in the nature of Mandamus for directing the respondents to consider her for appointment to the post of English Mistress in pursuance to an advertisement dated 20.11.2015 which had been advertised by respondent No.2, by granting relaxation of age to

her.

3. The learned single Judge dismissed the aforementioned civil writ petition by observing that the appellant, though may have been eligible before the cut off date i.e. 12.12.2015 as per the advertisement but she failed to apply within time and hence had missed the bus. The learned single Judge further observed that the last date for applying was Sacrosanct date and the same could not be altered as per settled principles.

4. The appellant has urged that the learned Single Judge erred in not appreciating that she ought to have been considered for appointment to the post of English Mistress by giving her benefit of relaxation of age as per Clause 5 (iii) of the advertisement dated 20.11.2015, since she was employed with Rashtriya Madhmik Shiksha Abhiyan Authority, Punjab, when the said posts were advertised. The appellant also drew our attention to the various writ petitions which were filed before this Court by some candidates in respect of whom the last date had been extended to 09.01.2016 vide Public Notice dated 24.12.2015.

5. The learned counsel for the respondent State on the contrary submitted that the appellant had not applied within the stipulated time mentioned in the advertisement dated 20.11.2015 besides being a contractual employee she was not eligible for being given any relaxation qua age.

6. We have heard learned counsel for the parties as well as gone through the other material on record.

7. It is not in dispute that the last date for submitting the online applications as per the advertisement was 12.12.2015. It is a matter of record that the appellant did not apply within the stipulated period. The

learned Single Judge was thus right in concluding that the cut off date which is sacrosanct date for submitting the application could not be altered. As far as the contention of the appellant that the last date for submitting applications was extended in respect of some of the candidates, the learned single judge had rejected the said contention with the following observations:-

“The public notice corrigendum has been issued in pursuance of the interim orders passed by this Court on 12.12.2015 in CWP No. 25249 of 2015 titled as Mandeep Kaur and another v. State of Punjab and others. The reasons have already been given in the said order. The purpose was to give benefit to the persons who would sit in the PSTET test which was to be held a day later after the cut off date on 13.12.2015. The petitioner being fully eligible before the cut off date had already failed to apply and missed the bus by that date. It is only on the basis of the interim order passed in CWP No. 25249 of 2015 that she is claiming such a right. The last date is a sacrosanct date and cannot be altered as per settled principle as it would amount to opening of flood gates of unnecessary litigation if benefit is given even to one aspirant. The petitioner having missed the date cannot now claim the benefit which was given to a certain set of categories. The date has been extended under the interim orders of this Court passed in CWP No. 25249 of 2015. Thus no benefit can be granted to the petitioner for consideration on account of her own lapse.”

Hence, the appellant cannot derive any benefit out of the

extension of cut off date which was granted by this Court in respect of the other candidates under these circumstances.

8. In view of the above, finding no illegality or infirmity in the order of the learned Single Judge dated 07.01.2016, the present Letters Patent Appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

21.02.2019

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Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No