

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-18234-CWP-2019 in/and
CWP No. 11131 of 2015

Date of decision:-06.01.2020

Nirmala Devi

.....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRIPresent:- Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner(s).

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J.(Oral)

By this petition, the petitioner is seeking appointment as PGT (English) from the date candidates lower in merit to her has been appointed with all consquential benefits.

The petitioner has participated in the selection process of 1160 posts of PGT English meant for general category as per advertisement (Annexure P-1).

On notice of this petition, short reply on behalf of respondents No. 1 and 2 has been filed. As per this reply, the date of birth of the petitioner is 10.05.1972 and accordingly the age of the petitioner was 40 years, 01 month and 19 days which was more than 40 years as on 15.07.2012 (last date of submitting application form). As per clause 5 of the Haryana State Education School Cadre (Group B) Service Rules, 2012 (in short, Rules, 2012) the age relaxation can be extended upto 5 years as one time measure to those candidates who have teaching experience of Government/Government Aided/Government Recognized Schools. Further

stand taken is that petitioner has no such experience and is claiming benefit

of age relaxation on the basis of enrollment in employment exchange which is not admissible as per Rules, 2012.

Heard learned counsel for the parties.

In para 7 of the reply filed by respondents No. 1 and 2, it is further stated that this Court has allowed the **CWP No. 5781 of 2015** titled as **Subhash Chand V/s. State of Haryana and others** whereby benefit of age relaxation can be given to a candidate once his name was registered with the employment exchange before he attains the age of 40 years and this judgment has been challenged in LPA No. 1220 of 2015. The petitioner has placed on record by way of application (CM-18234-2019) both the aforesaid judgments as Annexure P-6 and Annexure P-7 respectively. In the judgment of LPA No. 1220 of 2015 (Annexure P-7), the LPA Bench observed in para Nos. 22 to 24 that the instructions dated 25.06.1981 and 12.02.1982 were issued when the Punjab Education Service Class-III School Cadre 1955 rules were in force whereby maximum age prescribed by these Rules was 25 years. On 01.12.1998 the Haryana State Education Lecturer School Cadre (Group-C) Rules, 1998 were brought into force whereby the maximum age prescribed by these Rules was 35 years. However, instructions dated 25.06.1981 and 12.02.1982 were withdrawn on 14.06.2017. Hence the benefit of these instructions was given to all the candidates till 14.06.2017 even after Rules 2012 were into force. In this backdrop the judgment of learned Single Judge was upheld and LPA was dismissed.

As per the short reply filed by respondents No. 1 and 2, they have not disputed the experience certificate. Since the judgment of learned Single Judge has attained finality after dismissal of the LPA No. 1220 of 2015, this writ petition is being allowed. The respondents are directed to

issue appointment letter within a period of four weeks keeping in view that the petitioner is at merit No. 110 and the petitioner will be given notional benefits from the date his juniors have been appointed.

Pending application also stands allowed.

06.01.2020
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No