

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

**CWP-4564 of 2021(O&M)
Date of Decision: 26.02.2021.**

Jagmohan & Ors.

...Petitioners

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

**Present : Mr. H.C. Arora, Advocate
For petitioners.**

**Ms. Kanica Sachdeva, AAG Punjab.
(Presence marked through video conference).**

ARUN MONGA, J. (ORAL)

1. Aggrieved qua non-according of the benefit of upper age relaxation upto 45 years for the period they have served as Sikhia Providers, on parity with government employees, the petitioners are before this Court seeking an appropriate *mandamus*.

2. Learned counsel for the petitioners, *inter alia* relies on clause 5 (iii) of Advertisement dated 28.02.2020 (Annexure P-2) to contend that the petitioners are entitled to age relaxation upto the age of 45 years for recruitment as Hindi, Punjabi Masters, since they have been serving as Sikhia Providers. For ready reference, the aforesaid clause is reproduced herein below:-

“5. Age limit:-

XX

iii) The upper age limit of employees of Punjab, other States and Central Government shall be 45 years.

XX

A perusal of the aforesaid leaves no manner of doubt that the same is applicable only in respect of Government employees working either in the State or in the Central Government services.

3. On a pointed query, learned counsel for the petitioners submits that petitioners though not Government employees but have worked as outsourced Sikhia Providers on the employment roll of the contractor. However, they have been serving in the Government Institutions.

4. That being so, I see no reason to treat the petitioners on parity with the Government employees. Concededly, they were/ are on the pay roll of a contractor. They may have served the State Government institutions but they are not government employees.

5. On an advance service of the copy of the petition, learned State counsel joins the proceedings. She apprises this Court that only relaxation permissible to petitioners is that they are exempted to appear for the examination of Punjab State Teacher Eligibility Test (PSTET) conducted by the State Government, keeping in view of their experiences for having served as Sikhia Providers. She submits that relaxation of age as per the clause *ibid* cannot be given to private employees.

6. Learned counsel for the petitioners though controverts that the relaxation is not only for Punjab State Teachers Eligibility Test (PSTET) examination but also for Pre-Primary Teachers, Head Teachers and Centre Head Teachers.

7. Be that as it may, the irrefragable factual position remains that the petitioners are not Government Employees and the aforesaid relaxation cannot be sought by them as a matter of right. Where it was deserved and permissible the requisite relaxation as noted above has already been given to the petitioners and similarly situated others in the private employment.

8. No grounds are made out to interfere. Dismissed.

February 26, 2021
Jiten

(ARUN MONGA)
JUDGE

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