

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9269 of 2020 (O&M)

Date of Decision:08.01.2021

Jasvir Kaur

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Saurabh Kaushik, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG., Punjab.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner, who was appointed in the education department on the post of Punjabi Mistress vide order dated 08.08.2011, Annexure P-2, has filed this writ petition challenging Clause 5.0 (ii) of the Advertisement No. 4, Annexure P-1, issued by the Punjab Public Services Commission for the post of Principals as well as the proviso to Rule 5(1) of the Punjab Civil Services (General and Common Conditions of Services) Rules, 1994 to be discriminatory, arbitrary and hit by Article 14 of the Constitution of India.

It is contended that as per the said advertisement, relaxation qua the upper age limit for employees of Punjab Government, its Board, Corporation, Commission and Authorities employees, all States/ Central Government employees up to 45 years has been provided, but there is no age relaxation for the candidates serving Education department. Learned counsel for the petitioner submits that relaxation has also been given to the ex-servicemen, physically handicapped persons and some other categories, but

no relaxation has been provided for the employees of the Education Department. It is further argued that there should be parity and uniformity in the relaxation afforded to the various categories, as there is no rationale in affording variant relaxations.

The petitioner, it is submitted is little over 45 years of age and she seeks relaxation of the upper age limit to 47 years, so that she would have a chance to participate in selections for the post of principal. It is submitted that, in case, relaxation is not afforded, she would never have an occasion to be considered for the post of principal in her career. It is thus prayed that the present petition be allowed.

Though, notice of motion has not been issued in this petition, on account of an advance copy of the petition being supplied, reply has been filed on behalf of respondents no.1 to 3 by way of affidavit dated 03.11.2020 of Sh. Karamjit Singh, Assistant Director, Office of Director General School Education, Punjab.

Learned counsel for the respondent-State in addition to the averments in the said affidavit submits that last date for submission of applications as per advertisement no.4, Annexure P-1, was 22.06.2020. The present writ petition has been filed thereafter on 24.06.2020 and the written test, in any case, has since been conducted on 06.12.2020. Relaxation in upper age limit till 45 years, to the employees of the Education department, it is submitted is clearly available. The petitioner is more than 45 years old. It is thus prayed that this petition be dismissed.

I have heard learned counsel for the parties and have gone through the file with their assistance. However, I find no merit in the arguments raised by learned counsel for the petitioner, for reasons as discussed hereunder.

As per proviso to Rule 5 (i) (General and Common Conditions of Service) Rules, 1994, upper age limit for the purpose of recruitment may be relaxed up to 45 years in the case of persons already in the employment of Punjab Government, other State Government or the Government of India. Clause 5 of Advertisement no.4, prescribing age limit of candidates for recruitment to the post of Principal reads as under:-

“AGE

- (i) Candidates should not be below 18 years and above 37 years of age as on 01.01.2020.
- (ii) Upper age limit may be relaxed up to 45 years for Punjab Govt. and its Board/ Corporation/ Commission and Authorities employees, all States/Central Government employees.
- (iii) The upper age limit is relaxed up to 42 years for Scheduled Castes and Backward Classes of Punjab.
- (iv) Ex-servicemen of Punjab Domicile shall be allowed to deduct the period of his service in the Armed Forces of Union from his actual age and if the resultant age does not exceed the maximum age limit prescribed for direct appointment to such a vacancy in the Service Rules concerned by more than three years, he shall be deemed to satisfy the condition regarding age limit.
- (v) Upper age limit is also relaxable up to 42 years for widows, Divorcees and certain other Categories of Women.
- (vi) Upper age limit is also relaxed upto 47 years for Physically Handicapped of Punjab.”

It is apparent that the petitioner is an employee of the State Government. Admittedly, relaxation upto the age of 45 has been afforded in case of such Government employees.

Learned counsel for the petitioner is unable to point out as to how the various age limits as prescribed for different categories, are

discriminatory or arbitrary in any manner. There is neither any basis nor any substantial argument making out a case for a uniform relaxation of upper age limit, across the board for all categories and that too the maximum which has been provided in the Rules/ Advertisement. Reference to employees of Kendriya Vidyalaya Sangathan (KVS) are not relevant for the reason that Kendriya Vidyalaya Sangathan (KVS), is a totally separate body with no connection to the State of Punjab. Learned counsel for the petitioner is unable to point out anything to the contrary. The petitioner is governed by the applicable rules which provide for relaxation of the upper age limit to 45. Such relaxation has admittedly been provided. Unfortunately, the petitioner has crossed the age of 45, thus is not eligible to be considered for the post of principal.

No other argument has been raised.

Writ petition is accordingly dismissed.

08.01.2021
s.khan

[LISA GILL]
Judge

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