

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

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**CWP No.19298 of 2021
Decided on : 24.09.2021**

Khushi Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Manohar Lal, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India seeks directions for counting of service as PTI from 07.05.2010 to 01.06.2020 (more than 10 years) for claiming the age relaxation of three years for participating in the selection process of HCS (Executive Branch) in view of the Advertisement No.3/2021 published on 26.02.2021 (Annexure P-4).

Counsel has pointed out that there is a maximum age limit of 42 years under Clause-12 of the advertisement and under sub-clause-xi of the said clause employees of the Haryana Government would be eligible upto 45 years of age. It is submitted that the petitioner had initially been selected against the post of PTI against Advertisement No.6/2006 published on 20.07.2006 and he had served for 10 years. The selection of PTIs against the said advertisement was set aside by the Single Bench of this Court and the order was upheld by the Division Bench and further upheld by the Apex Court. However, the directions were issued to give the applicants a fresh chance to participate in the selection, which had to be done by taking a written examination.

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It is submitted that the petitioner has now got selected again and he had joined the said post on 22.10.2020 and, therefore, he is apprehensive that the benefit of age relaxation will not be given to him for the earlier service rendered. It is further submitted that he had already appeared in the written examination for HCS (Executive Branch) on 12.09.2021 and has given representations (Annexures P-5 & P-6) which have not been acted upon.

In the opinion of this Court, the present writ petition is premature in as much as the petitioner firstly has to obtain qualifying minimum marks of 33% in the preliminary examination in both the papers. Thereafter, as per Clause-9 of advertisement based on the preliminary examination result 12 times the number of advertised posts including bracketed candidates are to be admitted in the main examination. It is at that point of time the candidates who have qualified for admission to the main examination will have to submit scanned documents/certificates in support of date of birth, categories and educational qualification online. The main written examination will thereafter take place which is to be consisting of four papers. No candidates has to be called for viva-voce/personality test unless he/she obtains at least 45% marks in the aggregate and the personality test is to be of 75 marks. The candidates three times the number of advertised posts including bracketed candidates falling in merit in the main written examination will be called for viva-voce cum-personality test.

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Thus, the petitioner has many hurdles, which are yet to be cleared and it is only thereafter if he appears in the written examination and clears the 45% cut-off, he would be in the race of final interview stage.

The writ petition is pre-mature at this stage. It is open to the petitioner to approach afresh if and when the respondent-Commission as such declares him ineligible for being overage and if he comes within the zone of consideration.

Accordingly, the present writ petition is disposed of with liberty to the petitioner to file a fresh one as and when the cause of action arises as observed above.

September 24, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No