

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

106

CWP-19616-2016 (O&M)
Date of Order:10.05.2023

Preeti

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajbir Singh, Advocate, for the petitioner.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the decision of the respondents rejecting the candidature of the petitioner on account of the dispute with regard to her age while directing the respondents to permit the petitioner to join on the post of lecturer.

2. The relevant facts, in brief, are required to be noticed in order to understand the controversy involved in the present case.

A recruitment notice was issued by the Director, Education Recruitment Board on 20.11.2015, inviting the online applications to fill up 130 posts of Lecturers in the Economics subject. As per the recruitment notice, the age of candidates on 01.01.2015 was required to be between 18 to 37 years. The petitioner applied and wrote the recruitment examination. She was invited to attend the counselling session and her name was recommended for appointment. Thereafter, the appointment letter was issued, however, when she went to join she was not permitted to join as the

District Education Officer noticed a discrepancy in her record. The District Education Officer immediately informed the Director, Public Instructions in this regard. The discrepancy is that as per the Matriculation Certificate of the petitioner, her date of birth is 05.03.1977, which makes her ineligible for appointment as per the recruitment notice, being over age. She claims that she was born on 05.03.1978 and there was an error in the Matriculation Certificate and hence she filed an affidavit disclosing this fact and the recruiting agency accepted the explanation and recommended her appointment.

3. On the other hand, the learned State counsel while contesting the writ petition has stated that the petitioner being over age was correctly not permitted to join.

4. Heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the petitioner vehemently argues, while referring to the date of birth certificate issued by the municipal body and an affidavit submitted by her, that there was an inadvertent mistake in the Matriculation Certificate which has since been corrected during the pendency of the writ petition. He submits that the District Education Officer had no jurisdiction to refuse permission to join, particularly when the recruiting agency had already accepted the petitioner's explanation.

6. On the other hand, the learned State counsel while referring to the communication by the District Education Officer to the Director, Education Department (SE) submits that the District Education Officer informed the higher official but keeping in view the major discrepancy

which makes the petitioner's ineligible, a decision was taken not to permit the petitioner to join as Lecturer which led to the cancellation of the appointment letter.

7. This court has considered the submissions while evaluating the arguments of the learned counsels representing the parties.

8. It is evident that the petitioner passed her Matriculation Examination in the year 1993. For more than 23 years, she did not take any step to get her date of birth corrected in the Matriculation Certificate which is an important document for determining the age of a candidate. In that context the decision of the government is required to be examined. Once there was a discrepancy in the age of the petitioner because of difference in the Matriculation Certificate and the record of death and births from the Local Body, the action of the respondents in refusing to permit the petitioner to join cannot be said to be wrong and arbitrary. Moreover, more than 7 years have elapsed since the selection was finalized.

9. In exercise of jurisdiction of judicial review, the court is expected to take a pragmatic view while maintaining the delicate balance of interest of all the parties. The petitioner has already crossed the age of 45.

10. Hence, no ground to issue the writ as prayed for is made out.

11. Dismissed.

12. All the pending miscellaneous applications, if any, are also disposed of.

May 10, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO