

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-22736-2016(O&M)  
Date of decision: 26.04.2023

Jyoti Bala

..Petitioner

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Munish Puri, Advocate  
for the petitioner.

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

Mr. Arvind Kashyap, Advocate  
for respondent no.7.

**ANIL KSHETARPAL, J(Oral)**

1. While praying for the issuance of a writ in the nature of certiorari, the petitioner prays for quashing of the merit list (Annexure P-4) and consequent appointment of the respondent no.7-Ms. Anju Bala.
2. The candidature of the petitioner was rejected as the petitioner was considered over age.
3. On 29.03.2023, after hearing the learned counsel representing the parties, the following order was passed:-

*“While praying for issuance of a writ in the nature of Certiorari to quash the appointment of respondent no.7, the learned counsel representing the petitioner, prays for directing the respondents to appoint her as an Anganwari Worker. Her candidature was rejected on the ground that she was over age as on 05.05.2015. The respondents claim that on 05.05.2015 she was more than*

*35 years of age. Admittedly, the petitioner's date of birth is 06.05.1980. On 05.05.2015, she completed the age of 35 years and she turned overage on 06.05.2015.*

*Faced with the aforesaid situation, learned State counsel prays for some time to get complete instructions before assisting the Court.”*

*List on 26.04.2023, in the urgent list.”*

4. The learned State counsel submits that the case of the petitioner is being positively considered by the appointing authority.

5. The writ petition filed in the Court cannot be kept pending only to await the decision of the competent authority. There is no dispute on the facts noticed in the order dated 29.03.2023. Hence, the rejection of the petitioner's candidature is illegal and arbitrary. Her age is within the prescribed limit. Hence, she is entitled to be considered for the appointment.

6. On the other hand, the learned counsel representing respondent no.7 submits that on account of the order passed, the services of respondent no.7 may be dispensed with. He submits that the respondent no.7 is not guilty of any misrepresentation and it would be harsh if after a period of 7 years, she is removed from the service.

7. This court has considered the submissions of the learned counsels representing respondent no.7.

8. Undoubtedly, respondent no., 7 is not at fault. The blunder has been committed by the members of the Selection Committee for which it will not be appropriate to punish respondent no.7. To balance the equities, it is ordered that the competent authority will consider the petitioner's claim for appointment against the vacancy she applied. On account of

appointment of the petitioner, respondent no.7 shall not be removed from the service, however, she will be adjusted in the nearest possible place/station.

9. With these observations, the writ petition is allowed.
10. All the pending miscellaneous applications, if any, are also disposed of.

April 26, 2023  
*nt*

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:

Yes/No  
Yes/No