

[121] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-27877-2023

Date of Decision :12.12.2023

Shiv Kumar Garg

...Petitioner

versus

Punjab and Haryana High Court, Chandigarh  
through its Registrar (Recruitment), Sector 1,  
Chandigarh.

....Respondent

Coram : **Hon'ble Mr. Justice G.S. Sandhwalia**  
**Hon'ble Ms. Justice Lapita Banerji**

Present : Mr. Naveen Bawa, Advocate for the petitioner.

Mrs. Munisha Gandhi, Senior Advocate with  
Ms. Shubreet Kaur Saron, Advocate  
for the respondent.

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**G.S. SANDHAWALIA, J. (ORAL)**

[1] The prayer is for issuance of directions to the respondent to consider the age relaxation to the petitioner in order to apply in the cadre of Punjab Superior Judicial Service, 2023-24 which is advertised vide notification dated 14.11.2023 (Annexure P-2).

[2] The case of the petitioner is that as per Clause 5.1, the upper age limit is 45 years as on 22.12.2023 and he completed the said age on 29.09.2023 as his date of birth is 29.09.1978 as per the Matriculation Certification (Annexure P-3).

[3] It is not disputed that as per Rule 7(3)(c) of the Punjab Superior Judicial Service Rules, 2007, the upper age limit is already prescribed in the advertisement and thus in consonance with the rules and the petitioner has not even made any representation to the concerned

authorities also for relaxation on the basis of which he seeking writ

petition primarily on the ground that the last selection was initiated in the year 2019 and after that Covid Pandemic intervened. It is also not disputed that due to the said reason, the selection process was not done and therefore the delay, if any, is on account of the said factor and therefore even the respondent cannot be attributed any slackness on that account.

[4] In such circumstances, we are of the considered opinion that rule provides the requisite upper age limit with the purpose that the person appointed can give due service to the respondent. Even after appointment, persons recruited on the said post as Additional District Judges can be retired at the age of 50, 55 or 58 years on the basis of their work performance and the age of retirement would be to 60 years.

[5] In these circumstances, we are of the considered opinion that in the absence of the rule being under challenge, no directions can be issued to the respondent. There is no merit in the writ petition.

[6] Dismissed.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**(LAPITA BANERJI)**  
**JUDGE**

12.12.2023  
'Rajneesh'

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