

CWP-14598-2024
Date of Decision: 01-07-2024

.....Petitioner

Versus

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

2. Learned counsel for the petitioner submits that the said Posts were advertised vide Annexure P-1 and as per the same, age prescribed for the candidates should be between 18-37 years as on 01.01.2020 and 5 years relaxation was to be given in the case of the candidates belonging to the reserved category and keeping in view the relevant clause of the advertisement, the petitioner was over-aged by 1 month and 20 days as on 01.01.2020.



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3. Learned counsel submits that the respondents are liable to invoke the rule qua power to relax in favour of the petitioner as the clause 5 of the Advertisement causes hardship to the petitioner.

4. Keeping in view the advance copy given learned State counsel has appeared and argued that the relaxation in the age cannot be claimed as a matter of right and once a particular age has been prescribed to be ineligible to compete for the Post, and the petitioner does not fulfil the age criteria laid therein, merely on the ground that petitioner becomes ineligible by slight margin, age cannot be relaxed so as to make the petitioner eligible.

5. I have heard learned counsel for the parties and have carefully gone through the records of the present case with their able assistance.

6. It is a settled principle of law that the candidates cannot claim the age relaxation as a matter of right. It is the prerogative of the State to grant the said relaxation in case, the State is of the view that any rule governing the service creates hardship.

7. Reliance can be placed upon the judgment of the Hon'ble Supreme Court in case *Civil Appeal Nos. 2250-2252 of 2020* dated 17.04.2020 titled as "**Dr. Thingunjan Achouba Singh and Ors. Vs. Dr. H. Nabachandra Singh and Ors. Etc.**", relevant paragraph No.14 of which has been produced herein:-

"So far as relaxation of upper age limit, as sought by the petitioners in one of the writ petitions is concerned, High Court has directed the competent authority and Executive Council of the Society to consider for providing such relaxation Clause. We fail to under as to how such direction can be given by the High Court for providing a relaxation which is not notified in the advertisement. While it is open



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for the employer to notify such criteria for relaxation when sufficient candidates are not available, at the same time nobody can claim such relaxation as a matter of right. The eligibility criteria will be within the domain of the employer and no candidate can seek as a matter of right, to provide relaxation clause.”

8. Further, the age which has been in consonance with the rules once the rules prescribe a particular age, only the candidates who are eligible under the rules, can be allowed to compete for the post in question. It is the conceded fact that the petitioner is over aged, keeping in view the last date for the submission of the application form, which was 01.01.2020. Even otherwise, the present petition has been filed in the year 2024, after more than 4 years of the last date of submission of the application form.

9. Resultantly, no ground is made out for the Court to interfere in the present writ petition.

10. Keeping in view the facts and circumstances of this case, present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

01.07.2024
Sapna Goyal

Whether speaking/reasoned : Yes
Whether Reportable : No