



CWP-26091-2019 & Connected cases -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258 (03cases)

(1) CWP-26091-2019 (O&M)
Date of Decision :24.07.2024

Kunj Bihari and others

...Petitioners

Versus

State of Punjab and others

....Respondents

(2)CWP-34975-2019 (O&M)

Tahira Parveen

...Petitioner

Versus

State of Punjab and others

....Respondents

(3)CWP-35933-2019 (O&M)

Harpreet Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Neesh Garg, Advocate for the petitioners
in CWP-26091-2019 and CWP-34975-2019.

Mr. Yagsimant Attri, Advocate for petitioner No.3
in CWP-26091-2019.

Mr. Ashutosh Bhardwaj, Advocate for
Mr. Parvesh K. Saini, Advocate for the petitioner



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in CWP-35933-2019.

Mr. Amarpreet Singh Bains, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

By this common order, above mentioned three writ petitions are being disposed of as all the writ petitions involve the same question of law on similar facts.

In the present petitions, challenge is to the action of the respondents by which, the petitioners were treated ineligible so as to compete for the post of Head Teacher and the Centre Head Teacher as advertised by the respondents on 18.03.2019.

The claim of the petitioners has been rejected by the respondents on the ground that on the last date of submission of application form, the petitioners had crossed the maximum age limit of 47 years and hence, the petitioners cannot be treated eligible to compete the post in question.

The grievance being raised by the petitioners in the present petitions is that the benefit of age relaxation given to the physically disabled candidates as prescribed in the advertisement for the post in question, has not been computed in the manner required so as to treat the petitioners being overage.

Learned counsel for the petitioners argues that as per the advertisement in question, the normal age limit required for a candidate be considered eligible for the post in question was 18 to 37 years as on

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01.01.2019. However, for the employees of the Government of Punjab, Board, Corporation or the authorities of Central Government or State Government, the maximum age limit was 45 years and for the candidates, who were handicapped, belonging to the State of Punjab, age relaxation of 10 years was given in the upper age limit. Learned counsel for the petitioners submits that as the petitioners are Government employees of the State of Punjab and are also handicapped, hence a period of 10 years should be added to the maximum age limit provided for employee of the State of Punjab to mean that the petitioners will be eligible for the post in question upto the age of 55 years (45+10).

Upon notice of motion, the respondents have filed reply wherein, it has been mentioned that maximum age limit as per the advertisement is 37 years and the same has been enhanced to 45 years only for the employees of the Government of Punjab and in case of handicapped candidate, the same has been relaxed up to 10 years to mean that any handicapped candidate will be eligible for consideration to the post in question upto the age of 47 years but Clause 5(ii) and 5(iii) of the advertisement in question cannot be added together to claim eligibility for the post in question hence, claim of the petitioners that they are entitled to compete for the post in question up to the age of 55 years is incorrect and is liable to be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The age limit as prescribed in the advertisement for the post in

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question is as under:-

5. Age limit:-

- (I) No candidate shall be more than 37 years old and less than 18 years.
- (ii) if any candidate is serving under Punjab State, Centre, UT then their upper limit of age will be 45 year old.
- (iii) if any candidate who is residence of Punjab is handicapped then he have more relaxation of 10 year from their age of upper limit.
- (v) if any candidate who is resident of Punjab is belongs to any reserved category then he have more relaxation of 05 years from their age of upper limit.
- (vi) if any candidate who is residence of Punjab is belongs to Army then their upper limit of age will be according to government rule.
- (vi) Widow divorce and lawfully separated ladies have relaxation of 10 years from the upper age limit.

A bare perusal of the above would show that for a normal candidate, maximum age limit is 37 years whereas for the candidates who are serving in State of Punjab, their upper age limit prescribed is 45 years. Similarly, upper age limit for handicapped candidates is relaxed by 10 years and the candidates can take benefit of any of the clause but argument of the learned counsel for the petitioner that benefit of both Clause 5(ii) and 5(iii) is to be extended to a handicapped candidate, who is serving in the State of Punjab, cannot be accepted.

In case the said argument of the learned counsel is accepted, it will lead to absurd interpretation and situation of the terms and conditions of the advertisement. For instance, in case, the argument of the learned counsel for the petitioners is accepted then, widow/divorced lady, who is an



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employee of the State of Punjab and is also handicapped will claim that she is entitled for benefit of Clause 5(ii) (iii) and (vi), which will mean that a candidate upto the age of 65 years is to be treated eligible for the post in question. The same cannot be done as an employee of the State of Punjab superannuates on attaining the age of 58 years hence, argument of the learned counsel for the petitioners that petitioners are to be given benefit of Clause 5(ii) and 5(iii) simultaneously and the said clauses are not to be applied independently, cannot be accepted.

As in the present petitions, it is a conceded position that as on 01.01.2019, the petitioners had crossed the maximum age limit of 47 years, no ground for interference by this Court is made out and the present petitions are accordingly dismissed keeping in view the facts and circumstances of the present case.

Civil miscellaneous application pending, if any is also disposed of.

Photocopy of this order be placed on the files of connected cases.

July 24, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/Nor