



CWP-21294-2024

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

CWP-21294-2024

Date of Decision: 17.09.2024

SIMMI

..... PETITIONER

VERSUS

HARYANA STAFF SELECTION COMMISSION AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. K. Malik, Senior Advocate with
Mr. Anshul Labana, Advocate
for the petitioner.
Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter-alia*, seeking writ of *certiorari* quashing the order dated 28.07.2024, Annexure P-7, whereby the petitioner's candidature for the post of TGT Fine Arts, Rest of Haryana cadre, in response to advertisement 2/2023, dated 21.02.2023, has been rejected on account of being over-aged.

2. Learned senior counsel for the petitioner has contended that in terms of Paragraph 8.1 of the afore-mentioned advertisement, candidates are entitled to age relaxation in upper age limit to the extent of service rendered by them as a teacher on equivalent post in privately managed Government Aided Schools, recognised schools and Government Schools to a maximum of five years. Although while considering petitioner's candidature for the post of TGT Fine Arts, the Commission has given her age relaxation of five



years on account of being legally divorced woman, still she has been declared overage by two years, two months and eight days. This is in violation of Para 8.1 of the advertisement as the petitioner is entitled to further age relaxation based on her teaching experience in recognised institutions; Manav Mangal School, Satluj Public School and Haryana School Shiksha Priyojna Parishad (for short, 'HSSPP'). In case this teaching experience is counted, she becomes entitled to further age relaxation for more than the requisite two years two months and eight days. Therefore, there is no justification to reject her candidature on account of being overage, especially when she has secured more marks than the cut-off marks in her category/General category.

2.1. Learned Senior counsel further contends that the petitioner's experience as Assistant Block Resource Coordinator under the HSSPP has to be counted as teaching experience, as persons working as TGTs are appointed as Coordinators and prior to her appointment as Coordinator, she was also working as such in recognised schools. Further, the experience gained by her in Manav Mangal School and Satluj Public School is also to be considered valid, as both the schools are recognised by the Government and affiliated to the Central Board of Secondary Education (CBSE).

3. Learned State counsel, on the contrary, contends that she has received specific instructions from the Commission vide memo dated 11.09.2024, that the petitioner's case was duly considered for age relaxation on the basis of certificates relied upon by learned senior counsel, however, none of those fulfilled the requirement of Para 8.1 of the advertisement. The petitioner's experience as Assistant Block Resource Coordinator in HSSPP at Cluster GSSS-19, was not considered valid because it was not on the post of TGT; her experience in the other recognised schools could also not be



considered valid since the same was not in prescribed format, nor was it verified by the BEO/BEE0 (Block Education Officer/Block Elementary Education Officer) and counter-signed by the DEO/DEEO (District Education Officer/District Elementary Education Officer). At the same time, she was given five years' relaxation in age as per her entitlement on account of being legally divorced woman, not re-married. The instructions are to the following effect:

Hence, as per notice dated 27.02.2023, the age of petitioner was 47 years 2 months 8 days.

XXXX

XXXX

XXXX

That as per documents attached by the petitioner with the application form:-

- i) Assistant Block Resource Coordinator at HSSPP at Cluster GSSS-19 from 31.07.2009 to 30.05.2023 (13 year 7 months and 20 days) upto closing date i.e. 20.03.2023
- ii) Drawing Teacher at Manav Mangal School from 17.08.2001 to 25.03.2002 (7 months 78 days)
- iii) Fine Art Teacher at Satluj Public School Panchkula from 06.11.2000 to 31.03.2001 (4 months & 25 days)
- iv) Art & Craft Teacher at KB DAV Sr. Sec. Public School from 17.04.2002 to 30.11.2002 (3 years 7 months & 13 days)

That it is pertinent to mention here that experience certificates of the petitioner are not as per term & conditions of advt. 2/2023. Therefore, the petitioner is not considered for the post. Further after giving 5 year relaxation in age on account of legally divorced women, the age of the petitioner will be 42 year 02 month 8 days. Hence, the petitioner is over age for the post and considered not eligible.



4. Arguments advanced by learned counsel for the parties have been considered.

5. As per facts apparent on record, candidates for the posts advertised vide Advertisement 3/2023 were entitled to age relaxation in terms of Paragraphs 8 and 8.1, which are as under:

8. **Relaxation in Age:**

As per Haryana Govt. Instructions No. 22/06/2021-IGS-III, dated 25th March, 2022, benefit of relaxation in upper age limit, applicable to various categories, is as follows:

(1) Where the upper age limit is 42 years without any relaxation in age the same shall not exceed 52 years for the applicants who are entitled to get the benefit of relaxation in age of one or more categories under various circumstances mentioned below:-

Sr. No.	Categories where relaxation is admissible	No. of years of relaxation
(i)-(iv)	xxx	xxx
(v)	Widowed or legally divorced women;	5 years' relaxation in age

Note 1 and 2- XXXX XXXX XXXX

Note 3- The experience certificate(s) of equivalent post issued by the Appointing Authority of respective Department/Board/Corporation/Government aided Institutions only shall be valid. Before grant of benefit of relaxation in age, the experience certificate(s) shall be got verified by the HPSC/HSSC from the concerned Appointing Authority(ties).



8.1 Teachers working in privately managed Govt. Aided Schools, recognised schools and Government Schools of Haryana State shall be given age relaxation in upper age limit to the extent of service rendered by them as a teacher subject to a maximum of 5 years once for his/her appointment as per directions of Hon'ble Punjab & Haryana High Court, Chandigarh dated 06.01.2015 passed in CWP No.20110 of 2014, Som Nath Vs. State of Haryana & others and for such working teachers, upper age relaxation certificate from Head of the Institute is mandatory and must be verified by BEO/BEE0 & counter-signed by District Education Officer/District Elementary Education Officer of the concerned district even for CBSE/Central Schools and Navodaya Vidhalaya vide Department Letter No.15/32-2020TGTR&A(I) dated 07.09.2022.

6. Entitlement to age relaxation is governed by the stipulation in Para 8 of the advertisement as reproduced above. It entitles the candidates to relaxation in upper age based upon teaching experience on equivalent post in a privately managed Government Aided school or recognised school or Government School in State of Haryana, provided the experience certificate to that effect has been issued by Head of the Institute/must have been verified by BEO/BEE0 and counter-signed by DEO/DEEO of the concerned district. It is apparent on record that the petitioner's experience certificate in privately managed recognised schools/Manav Mangal School and Satluj Public School though issued by Head of the Institute, have not been verified and counter-signed by the competent authorities, which is an essential requirement. Therefore, the same could not have been considered valid for



the purposes of age relaxation in terms of Para 8.1 of the advertisement. Further, her experience as Assistant Block Resource Coordinator in the HSSPP can also not be considered valid for the purpose since there is no material on record, nor any could be pointed out by learned senior counsel, establishing that it was a teaching experience on equivalent post of TGT. Resultantly, no exception can be taken to the impugned order declaring the petitioner ineligible on account of being over-aged.

7. In view thereof, the petition being devoid of merits stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

17.09.2024
Seema

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No