



CWP-25484-2022 (O&M)

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

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CWP-25484-2022 (O&M)

Date of Decision :03.10.2024

Raj Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate for the petitioner.

Mr. Chranpreet Singh, AAG, Punjab.

Mr. H.S. Saini, Advocate for the applicant
in CM-10165-CWP-2023.

* * *

Harsimran Singh Sethi, J. (Oral)**CM-10165-CWP-2023.**

Present application has been filed for impleading the applicants
as respondents No.4 to 6 in the present petition.

Notice of the application was issued to the respondents.

Learned counsel for the respondents raises no objection for the
grant of prayer as made in the present application.

As prayed for, applicants are impleaded as respondents No.4 to
6 in the present petition.

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In the present petition, grievance being raised by the petitioners is that the respondents have wrongly declared them ineligible by treating them overage and by wrongly construing Regulation-5 of the Punjab Civil Services (General and Common Condition of Service) Rules, 1994 (hereinafter referred to as '1994 Rules'), which is to be taken into consideration for determining the age eligibility qua the petitioners.

Learned counsel for the petitioners argues that the posts in question were to be filled by the respondents as per the advertisement dated 12.10.2022 (Annexure P/3) wherein, it has been mentioned that a candidate should be between 18 to 37 years of age as on 31.01.2022. Learned counsel for the petitioners submits that the said prescription of date as 31.01.2022 is contrary to the 1994 Rules and age eligibility of the candidates was required to be seen as on 01.01.2021 and not as on 01.01.2022 and hence, the respondents are liable to be directed to treat the petitioners eligible for the post in question.

Upon notice of motion, the respondents have filed reply, wherein, it has been stated that last date to consider the eligibility of age of the candidates fixed as 01.01.2022 is in conformity with the 1994 Rules and the said 1994 Rules have wrongly been interpreted by the petitioners to mean that eligibility of age is to be seen as on 01.01.2021 and not on 01.01.2022.

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

The only question which has been raised for the consideration of this Court is whether the petitioners are eligible under the Regulation-5 of



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the 1994 Rules or not so as to be treated eligible for the post in question in respect of the advertisement Annexure P/3. The said rules is as under:-

5.(i) No person shall be recruited to the Service by direct appointment, if he is less than eighteen years or is more than thirty seven years of age in the case of technical and non-technical posts on the first day of January of the year immediately preceding the last date fixed for submission of applications by the Commission or the Board, as the case may be.”

A perusal of the above reproduction would show that the eligibility of age is to be seen as on 1st of January of the year immediately preceding the last date fixed for submission of application form by the Commission or the Board, as the case may be. The said condition will mean that 1st January which will be preceding the last date fixed for submission of application form is to be seen as cut off date to consider the eligibility qua age.

In the present case, last date fixed for submission of the application form as per advertisement Annexure P/3 is 10.11.2022. That being so, 1st January preceding last date of submission of application form will be 01.01.2022 and not 01.01.2021.

Learned counsel for the petitioner is not interpreting the rule in the manner required for. Interpretation to the effect that 1st January of the preceding year is to be taken into account is not the correct and complete reading of the rule. Hence, the qualification of age fixed by the respondents as on 01.01.2022 is in conformity with the 1994 rules.

Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the

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present writ petition is accordingly dismissed.

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

October 03, 2024 (HARSIMRAN SINGH SETHI)
aarti JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No