



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(280)

CWP No. 4301 of 2022 (O&M)

Date of Decision : 24.07.2025

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Pahulpreet Kaur, Advocate for
Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Ajayveer Singh, Advocate for respondents No. 2 and 3.

Mr. H.S. Sehgal, Advocate for respondent No. 7.

Mr. Abhishek Arora, Advocate for respondent No. 8.

Harsimran Singh Sethi J. (Oral)

CM-15423-CWP-2022

Present application has been filed for placing on record the Punjab Subordinate Courts Establishment Group 'D' Service Rules, 2012 which is appended as Annexure P-7.

Application is allowed and the document as Annexure P-7 is taken on record with all just exceptions.

CWP No. 4301 of 2022

1. In the present petition, the challenge is to the action of the respondents in treating the petitioner ineligible for the post of Peon, which was advertised on 06.10.2021 which is annexed as Annexure P-1.



2. Learned counsel for the petitioner submits that though in the Advertisement dated 06.10.2021 (Annexure P-1) the required age for the post of Peon given was between 18 to 35 years but, under the rules governing the service, the State had power to relax the said condition of age in respect of certain categories which power to grant relaxation was not exercised by the State in favour of the petitioner hence, direction be issued to the State to relax the age criteria in favour of the petitioner so as to treat him eligible for the post of Peon.

3. Learned counsel appearing on behalf of respondents No. 2 and 3 submits that the age criteria was mentioned in the Advertisement dated 06.10.2021 (Annexure P-1) itself and as per the said Advertisement, only the candidates who were between the age of 18 to 35 years, were treated eligible and no relaxation was given to any candidate hence, the claim of the petitioner to relax the said age criteria to bring him within the ambit of consideration for the post of the Peon is incorrect and contrary to the settled principle of law and, therefore, the petitioner has rightly been treated as ineligible to compete for the post in question.

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

5. The first question which arise is whether, the age relaxation can be claimed as a matter of right or not. As per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 6868 of 2021 titled as ***State of U.P. and others Vs. Vikash Kumar Singh and others***, decided on 22.11.2021, the Hon'ble Supreme Court of India has held that the relaxation can only be given by the competent authority i.e. the



employer and no mandamus can be issued by the Court so as to grant relaxation even where, the discretion exists with the employer to grant the same. The relevant paragraph 7.1 of the said judgment is as under :-

“7.1 The learned Single Judge thereafter while quashing and setting aside the eligibility lists dated 18.03.2019 and 10.05.2019 has issued the writ of mandamus commanding or directing the competent authority to grant relaxation in qualifying service, which as such was permissible under Rule 4 of the Relaxation Rules, 2006. The word used in the Rule 4 of Relaxation Rules, 2006 is “MAY”. Therefore, the relaxation may be at the discretion of the competent authority. The relaxation cannot be prayed as a matter of right. If a conscious decision is taken not to grant the relaxation, merely because Rule permits relaxation, no writ of mandamus can be issued directing the competent authority to grant relaxation in qualifying service. Therefore, the High Court has committed a grave error in issuing the writ of mandamus commanding the competent authority to grant relaxation in the qualifying service. Consequently, the High Court has also erred in quashing and setting aside the eligibility lists dated 18.03.2019 and 10.05.2019, which as such were prepared absolutely in consonance with the Rules, 1990 and Rules, 2006. The impugned judgments and orders passed by the learned Single Judge as well as the Division Bench of the High Court are not sustainable in law.”

6. Learned counsel for the petitioner has not been able to dispute that while interpreting the similar rule as it exists in the present case, the law has been settled by the Hon’ble Supreme Court of India in **Vikash Kumar Singh (supra)** that Courts cannot issue writ of mandamus directing the



competent authority to relax a particular condition, hence, keeping in view the above, no ground is made out for accepting the plea of the petitioner to treat him eligible so as to compete for the post of Peon, especially that the selection is already over and all the posts have been filled by the candidates, who were eligible as per the Advertisement dated 06.10.2021 (Annexure P-1).

7. It may be noticed that High Court has not given any relaxation to any candidate hence, the claim of the petitioner that he should have been given age relaxation cannot be accepted as all the candidates are to be treated in a uniform manner so as to grant the said relaxation.

8. No ground is made out for any interference by this Court in the present petition.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

July 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No