



CWP-8681-2025

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

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CWP-8681-2025

Date of Decision: 24.04.2025

Jarina and another

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Mohammad Arshad, Advocate for the petitioners

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the resolution by the School Management Committee dated 01.10.2024, Annexure P-3, pursuant whereof the petitioners who were working as temporary cooks in Mid-Day Meal Scheme were relieved on crossing the prescribed age of sixty. This has been done by taking their age as depicted in the voters list, PAN and ration cards.

2. Learned counsel contends that the petitioners are not over-age and have been wrongly removed without following due procedure. He has referred to a copy of the ration card of petitioner no.2, issued on 27.12.2022, Annexure P-8, wherein her age is mentioned as forty-six years. He has also relied upon other documents such as PAN card issued to the petitioners by the Income Tax Department, Government of India, and Election Identity Card issued by the



Election Commission of India, Annexure P-7, to contend that they were not over-age at the time of relieving.

3. Learned State counsel, on the contrary, contends that the petitioners have been relieved as per the laid down instructions, dated 24.12.2014, whereby School Headmaster is the competent authority to relieve the cooks under Mid-Day Meal Scheme under intimation to the Block Education Officer. This procedure was followed in the petitioners' case as well before they were finally relieved by the Headmaster on 24.10.2024. She has relied upon a memo, dated 05.02.2013, which prescribes that cook-cum-helper under Mid-Day Meal Scheme may be removed on the recommendations of both Head Teacher and School Management Committee (SMC). A copy of the instructions received by her from the Department vide memo dated 23.04.2025, along with annexures, is retained on the case file as Annexure 'A'.

4. Heard.

5. In view of the submissions, it is apparent that due procedure was followed before removing the petitioners. They were also provided the opportunity to establish their age, vide communications dated 01.07.2024 and 04.07.2024, as mentioned in the instructions, but failed to do so. The documents relied upon by learned counsel for the petitioners to establish the petitioners' age, i.e., ration card, PAN card, and Election ID card cannot be considered valid proof of date of birth for the purpose of retention under the Scheme. Besides, while filing the instant petition, the petitioners themselves declared their age to be sixty years and above; in the memo of parties petitioner no.1 is mentioned as sixty years old, and petitioner no.2 as sixty-eight years. In the totality of facts



and circumstances aforementioned, there is no illegality in the order removing the petitioners, and no ground to interfere in the matter is made out.

6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

24.04.2025
Payal

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