



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

1. CWP-21912-2021
Date of Decision : **September 10, 2025**

MANPREET KAUR AND ORSPetitioners

VERSUS

UT CHANDIGARH AND ORSRespondents

2. **CWP-3353-2022**

NISHA PANCHAL AND ANR. ... Petitioners

VERSUS

UT CHANDIGARH AND ORS ...Respondents

3. **CWP-10661-2022**

ANU ...Petitioner

VERSUS

UT CHANDIGARH AND ORS ...Respondents

4. **CWP-12989-2024**

ANU AND ANR. ...Petitioners

VERSUS

UT CHANDIGARH AND ORS ...Respondents

5. **CWP-24229-2024**

PREET KAUR AND OTHERS ... Petitioners

V/S

STATE OF PUNJAB AND ORS ...Respondents

6. **CWP-15319-2025**

SAROJ RANI ... Petitioner

V/S

STATE OF PUNJAB AND OTHERS ...Respondents

7. **CWP-25576-2023**

JASDEEP KAUR AND OTHERS

.....Petitioners

V/S

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Ravi Malik, Advocate for the petitioner
in CWP-21912-2021.

Mr. Parveen Moudgil, Advocate for the petitioner
in CWP-10661-2022.

Ms. Amandeep Kaur, Advocate for the petitioner
in CWP-15319-2025.

Mr. Yuvraj Singh Chauhan, Advocate for the petitioner
in CWP-12989-2022.

Mr. Shubham Saroha, Advocate for the petitioner
in CWP-3353-2022.

Mr. L.S.Virk, Advocate for the petitioner(s)
in CWPs-25576-2023 and 24229-2024.

Mr. Jagjot Singh Lalli, Addl. Standing Counsel
for UT, Chandigarh.

Mr. Gaurav Mohunta, Addl. Standing Counsel
for respondents in CWPs-21912-2021, 3353, 12989 and 10661
of 2022.

Mr. Vikas Chatrath, Advocate
for the applicants-respondents No. 5 to 8 in CWP-25576-2023.

Mr. Maninder Singh, Addl. AG, Punjab.

ASHWANI KUMAR MISHRA, J. (Oral)

1. In these bunch of petitions, the petitioners essentially question the fixing of physical parameters for female candidates for appointment to the post of fireman.

2. It is urged that relaxation ought to have been granted to female candidates and denial of such relaxation to female candidates actually results in discrimination extended to such candidates.

3. It is not in dispute that appointment to the post of fireman is regulated by statutory rules framed by the Municipal Corporation Service Regulation, 2011 for Union Territory of Chandigarh and the Punjab Municipal Fire Brigade Rules, 1977 in respect of the post of fireman. So far as Municipal Corporation, Chandigarh is concerned, the rules refer to the schedule which prescribes the requisite qualification and other eligibility conditions for appointment to the post. So far as the academic qualification is concerned, the qualification is 10+2 passed from a recognized Board/Institution. The age of candidate has to be between 18-25 years. The rules further provide that the candidate shall possess the requisite physical fitness to discharge the arduous duties pertaining to fire and emergency services and must be an able body person. The physique has also been specified in the rules which is as under:-

“Fireman

xxx

Physique:

(a) Height

5’-7’

(b) Chest-Minium unexpanded

33 ½ Maximum after expansion 35 ½”.

4. The advertisement issued in respect of the Union Territory of Chandigarh is in terms of the provisions contained in Rules of 2011. Similar is the position with regard to the State of Punjab, where the advertisement prescribes the qualification to be matric with the stipulation that the candidate

should be an able body person below the age of 37 years who is quite fit to undergo rights and duties of fire brigade person. The physical fitness standard has also been fixed as per which a person has to cover a distance of 100 yards in one minute carrying weight of 60 kgs. Other physical attributions are also specified.

5. It is undisputed that in the bunch of writ petitions filed before this Court in the year 2023, neither the rules of recruitment were challenged nor was there any challenge to the advertisement insofar as it prescribed the physical parameters required of a candidate. It is also undisputed that appointments have already been made against the advertised vacancies in the Union Territory, Chandigarh and all the posts are filled. In case of State of Punjab the statutory rules however prescribe 1/3rd vacancies to be reserved for the women candidates. In the case of Punjab none of the female candidates have been able to compete for the job on account of tough physical parameters fixed for the post. It is in this context that the learned counsel for the petitioners submits that the physical norms fixed for fitness for the post are required to be relaxed in case of women candidates or else the very object for providing reservation to them would be frustrated.

6. On behalf of the respondents, it is contended that all the petitioners have applied for the post without raising any objection to the rules which prescribe the physical parameters to be possessed by the candidate and it is only after they have failed to qualify in the written test that these writ petitions are filed. In two of the writ petitions i.e. CWP Nos.3353 of 2022 and 21912 of 2021 the writ petitioners have not qualified the written examination and therefore filing of the writ petitions by them with the prayer

to relax the rules relating to physical parameters in case of women candidates is liable to be dismissed. In the case of State of Punjab also, it is submitted that the posts reserved for women have not been filled as none has been able to compete on the parameters as laid down in the advertisement. All the petitioner(s) have failed to qualify the physical standards.

7. Learned counsel for the petitioner(s) submits in reply that State Government is otherwise seized of the issue with regard to grant of relaxation and that an appropriate direction be issued by this Court to consider the question of relaxation to women candidates from the strict physical parameters which they are required to possess.

8. From the material placed before us, it is undisputed that the recruitment for the post of Fireman is regulated by the provisions of statutory Rules, which prescribe the eligibility conditions including the physical parameters required of a candidate. The consequential advertisements are also on similar lines. The advertisements were issued in respect of State of Punjab in the year 2022, whereas for the Union Territory, Chandigarh, in the year 2023. All the petitioners before us have applied pursuant to the advertisement and have not been able to succeed. It is not in question that none of the petitioners laid any challenge to the Rules before appearing in the recruitment pursuant to the advertisements. Even the statutory Rules are not assailed. The law is well settled that in cases where the candidates take the chance of appearing in the advertisements without laying any challenge to it, they would be estopped from assailing the advertisements or the Rules later.

In Tajvir Singh Sodhi and others Vs. The State of Jammu and Kashmir

and others, 2023 INSC 309, the Hon'ble Supreme Court has observed as under in paragraph No. 13.1:-

“It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a Court of law the rationale behind recasting the selection criteria as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.”

9. It is also submitted that relaxation in the Rules of recruitment cannot be claimed as a matter of right. For such proposition, reliance is placed upon the judgment in case **State of Uttar Pradesh and Others Vs Shanti Devi**, 2022 INSC 1315, relevant para is reproduced as under:-

“14. The court was apprised by counsel appearing on behalf of the appellants that under Rule 5(4)(ii) read with Rule 15-B of the UP Service Rules of 1992, the Department received a list of 70,000 eligible Anganwadi workers against 975 vacant posts of Mukhya Sevika. The UP Service Rules of 1992 stipulate that the upper age limit for the post of Mukhya Sevika under Rule 5(4)(ii) is 50 years as on the first day of recruitment year.

15. In the present case, the State uniformly applied the prescribed age limit of 50 years to all applicants considered under Rule 5(4)(ii) read with Rule 15B of the UP Service Rules of 1992. On the direction of the Single Judge of the High Court on 11 April 2018, the State applied its mind and considered the representation for the grant of an age relaxation to the respondent twice on 3 October 2018 and on 13 November 2018.

In exercise of its discretionary power, the appellant decided that the respondent was not eligible to be granted the benefit of an age relaxation. No individual candidate can claim a vested right to age relaxation which lies in the discretion of the appointing authority. The respondent cannot claim age relaxation under the Uttar Pradesh Public Services (Relaxation of the Age limits for Recruitment) Rules 1992 as a matter of right. Eligibility criteria should be uniform and there cannot be scope of arbitrary selections. A candidate cannot have a vested right to claim an exemption from a uniformly applicable criterion. A selective grant of an age relaxation will cause serious prejudice in the process of selection and render the process arbitrary.”

10. Reliance is also placed upon the judgments in case **State of Jammu and Kashmir & Ors. Vs Shaheena Masarat & Anr., 2021 INSC 573**, wherein it was held as under:-

“8.As stated above, the eligibility criteria for appointment as Re-T by the scheme as well as the advertisement includes a condition that a candidate shall as far as possible fulfil the age qualification as prescribed by the State Government. There is no dispute that the upper age limit for appointment as Re-T is 35 years. The Division Bench examined the scheme and noticed that there is no minimum age limit specified and if the words as far as possible for upper age limit are interpreted as directory, the officers would have discretion to select candidates even after they cross 45 years. Further, the Division Bench was of the opinion that there will be no uniformity in selection of Re-Ts in the State. The scheme would be rendered unconstitutional as being violative of Articles 14 and 16 of the Constitution of India. Therefore, the High Court construed the provision relating to upper age limit as mandatory. We approve the conclusion of the Division Bench. Appointments posts should be strictly in of India. Eligibility

criteria should be uniform and there cannot be scope of arbitrary selections by unfettered discretion being vested in the authorities. Construing the provision relating to upper age limit as directory would be conferring unbridled power in the executive to choose persons of their choice by relaxing the age beyond 35 years. In such case, the provision would have to be declared as unconstitutional. Therefore, we are of the opinion that 35 years is the upper age limit for appointment as Re-T. The 2nd Respondent who has crossed 35 years on the cut-off date was not eligible for appointment. The High Court has correctly directed the appointment of the 1st Respondent as Re-T”.

11. In view of the admitted position that the Rules have not been challenged prior to submission of candidature by the writ petitioners and it is only after the petitioners have failed to secure their selection that the writ petitions have been filed, we are of the considered view that at this belated stage, the challenge laid by the petitioners in the writ petitions or their prayer to relax the Rules cannot be considered. More-so no challenge to the Rules or the advertisements made by the candidates much after participation in recruitment having failed to secure the job is not liable to be entertained.

12. Much argument has been advanced on behalf of the parties with regard to the desirability of containing provisions specifying the physical parameters of a candidate for appointment to the post of Fireman. We are, however, not inclined to dwell any deeper on this aspect of the matter considering the fact that the challenge itself has been made at a very belated stage. We, otherwise cannot be oblivious of the fact that the requirement of a fireman are arduous in nature and the prescription of physical parameters may

be necessary to ensure that the job requirement for the post is met by the candidate. However, we leave the question on merits open for examination in appropriate case. We also leave it open for the State to consider the issue of relaxing the norms in respect of women candidates of Punjab, if all the posts for them are left vacant. These observations have been made considering the submission of the petitioners that the State of Punjab is actively considering such issue and we are not inclined to interfere in such proposed action of the State. However, we clarify that our observation, aforesaid, shall not be construed as a direction to the State to relax the Rules.

13. In view of the observations made above, this bunch of petitions fail and are consigned to records.

(ASHWANI KUMAR MISHRA)
JUDGE

September 10, 2025
ajaysharma

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No