

**LPA-2179-2025 (O&M)**

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

115**LPA-2179-2025 (O&M)****Date of Decision : July 30, 2025****JARINA AND ANOTHER****-APPELLANTS****V/S****STATE OF HARYANA AND ORS.****-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Mohammad Arshad, Advocate
for the appellants.

Mr. Bhupender Singh, Addl. A.G., Haryana.

KULDEEP TIWARI, J.**CM-5482-LPA-2025**

1. Considering the valid and good reasons, as assigned in the application, for condoning the delay of 60 days, therefore, the application is **allowed.**

2. Delay of 60 days in filing the appeal is condoned.

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3. The appellants, who were working as Cook-cum-Helper under Mid-day Meal Scheme, were relieved by the Headmaster of the school concerned on 24.10.2024, on account of having exceeding the prescribed age of sixty. The bedrock for this relieving was constituted by a resolution passed by the School Management Committee on 01.10.2024. Therefore, this resolution was assailed by the appellants before this Court by filing CWP-8681-2025. However, they remained unsuccessful, as the learned Single Judge, vide order dated 24.04.2025, dismissed the writ petition,

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observing that the appellants have failed to establish that their age is less than sixty.

4. Feeling aggrieved, the appellants have instituted this Letters Patent Appeal against the order drawn by the learned Single Judge.

5. The learned counsel for the appellants submits that, Ration Card, PAN Card and Election ID Card makes vivid display that, the age of the appellants is less than sixty. Therefore, the decision to relieve them from service, merely on account of theirs being overage, is totally illegal. Moreover, no opportunity of hearing was granted to the appellants before relieving them.

6. This Court has heard the learned counsel for the appellants and has also perused the record. It is not under dispute that, as per the apposite instructions laid down by the Government of Haryana, the upper age limit for Cook-cum-Helper is fixed at sixty years. In the present case, the School Management Committee passed a Resolution on 01.10.2024, to the effect that, since the appellant No.1 and appellant No.2 have attained the age of 60 years and 68 years respectively, they are required to be replaced with new helpers. Subsequently, a complaint was also made by the Sarpanch of the Gram Panchayat concerned to remove the appellants on account of having attained the age of sixty. Resultantly, the Headmaster of the school concerned, before initiating any action, provided opportunity to the appellants to establish their age, vide communications dated 01.07.2024 and 04.07.2024. However, the appellants failed to establish that they are less than sixty years of age. Consequently, taking into account the documents submitted by the School Management Committee, viz. Aadhar Card, Family

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ID, Ration Card and proof of old age pension, the Headmaster finally relieved the appellants on 24.10.2024, under intimation to the Block Education Officer.

7. Although the learned counsel for the appellants made an endeavour to establish before this Court that the appellants are less than sixty years of age, when he was confronted with the fact that the appellants are receiving old age pension, which is only admissible to persons more than sixty years of age, he is unable to refute the same. Furthermore, the learned Single Judge has categorically observed in the impugned order that, in the memorandum of parties attached with the writ petition, the appellants No.1 and 2 have claimed themselves to be 60 and 68 years of age respectively.

8. This Court has also examined the entire record and finds that the appellants were given due opportunity of hearing by the authority concerned to establish that they are less than sixty years of age, however, they remained unsuccessful. Moreover, there is absolute dearth of any admissible material for this Court to conclude that the appellants are less than 60 years of age.

9. In summa, this Court does not find any merit in this Letters Patent Appeal and the same is accordingly **dismissed**.

10. Pending application stands disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 30, 2025
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No