

2026:PHHC:077140



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

272

CWP-9848-2025

Date of decision: May 12, 2026

DINESH GARG

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ankur Sidhar, Advocate
for the petitioner.

Mr. Parveen Mehta, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the speaking order dated 03.04.2025, Annexure P-15, whereby the petitioner's candidature for the post of Trained Graduate Teacher (TGT) English has been rejected on the ground of being overage. Further, a writ of *mandamus* has been sought directing the respondents to grant age relaxation based upon his experience of serving on the post of Master (Mathematics) as Guest Teacher in a Government Senior Secondary School for the period from 16.10.2006 till 17.05.2023, on the basis of experience certificates to that effect dated 05.09.2009 and 17.05.2023, Annexures P-2 and P-4 respectively. These certificates were duly counter-signed by the District Education Officer, Kurukshetra, and fulfilled all the requisite conditions prescribed under the advertisement.

2. Learned counsel for the petitioner contended that he applied for the post of TGT English (RoH cadre) in response to advertisement 2/2023,

and participated in the selection process as a General category candidate. He cleared the selection process and appeared for scrutiny of documents on 28.07.2023 against roll no.2236002271. As per details in the short reply, he secured 64.6 marks as against 63.65 of the last recommended candidate in the said category. His date of birth being 25.09.1980, he was forty-two years and five months old on the closing date for submission of the application form, i.e., 15.03.2023. The maximum prescribed age for the post was forty-two years. However, in terms of clause 8(I)(ix) of the Government instructions, dated 25.03.2022, candidates who had already worked or were working on *ad hoc*/contract/work-charged/daily wages basis in any Department/Board/Corporation of the Government or Government-aided institutions, were entitled to age relaxation equal to the number of completed years of experience on an equivalent post, subject to maximum age of fifty-two years. The relevant clause reads as under:

8. Relaxation in Age:

As per Haryana Govt. Instructions No. 22/06/2021-1GS-III, Dated 25th March, 2022, benefit of relaxation in upper age limit, applicable to various categories, is as follows:

- (I) Where the upper age limit is 42 years without any relaxation in age the same shall not exceed 52 years for the applicants who are entitled to get the benefit of relaxation in age of one or more categories under various circumstances mentioned below :-

Sr. No.	Categories where relaxation is admissible	No. of years of relaxation

(i) to (viii)	xxx	xxx
(ix)	Persons who have already worked or presently working on adhoc/contract/work -charged/daily wages basis in any Department/Board/ Corporation of Haryana Government including Government-aided institutions under Haryana Government	Relaxation in age equal to the number of completed years only on equivalent post on adhoc/contract/work-charged/daily wages basis excluding the period of break, if any, including any other age relaxation admissible, if any, subject to maximum age of 52 years and also subject to the condition that if once a person has been appointed on regular basis in any Department/Board/ Corporation etc. of Haryana Government with the benefit of relaxation in age he will not be entitled to avail the same again for any subsequent appointment.

Accordingly, this category of candidates, including teachers of recognised schools, were given age relaxation of five years under clause 8.1 of the advertisement which reads as under:

- 8.1. Teachers working in privately managed Govt. Aided Schools, recognized schools and Government Schools of

Haryana State shall be given age relaxation in upper age limit to the extent of service rendered by them as a teacher subject to a maximum of 5 years once for his/her appointment as per directions of Hon'ble Punjab & Haryana High Court, Chandigarh dated 06.01.2015 passed in CWP No. 20110 of 2014, Som Nath Vs. State of Haryana & Others and for such working teachers, upper age relaxation certificate from Head of the Institute is mandatory and must be verified by BEO/BEEEO & counter signed by District Education Officer/District Elementary Education Officer of the concerned district even for CBSE/Central Schools and Navodaya Vidhalaya vide Department Letter No. 15/32-2020TGTR&A (1) dated 07.09.2022.

2.1. Learned counsel further contends that the petitioner's candidature has been wrongly rejected on the ground that he is required to possess experience as TGT English in order to claim the age relaxation, though no such requirement is prescribed under the advertisement. The teaching experience as TGT in a relevant subject is required only for claiming socio-economic criteria marks as provided under clause 7 of the advertisement, and has no application to the petitioner's case. The clause is to the following effect:

7. Teaching Experience

Experience for socio-economic criteria will be considered only after acquiring the essential qualification and it should be issued by competent authority of the concerned Department/Commission/Board/Corporation etc. of Govt. of Haryana. The details of salary, designation, date of joining, period of service and date of

issuing of the certificate of the concerned post should be clearly mentioned in the experience certificate and it must be countersigned by the District Education Officer/ District Elementary Education Officer of the concerned district. Teaching experience must be for the post of TGT in the relevant subject.

Therefore, there was no basis to reject the petitioner's claim for age relaxation, as he was only required to have teaching experience on an equivalent post which he possessed.

3. *Per contra*, learned State counsel contends that the petitioner never claimed age relaxation, having mentioned "NA" (Not applicable) against the column, "*Provided age relaxation due to experience*" while filling up the application form. Besides, he is not entitled to claim relaxation in terms of clause 8(I)(ix) of the advertisement also, since his teaching experience pertains to the post of Master (Mathematics), whereas the post in question is that of TGT English.

4. Submissions made by learned counsel for the parties have been considered.

5. Undisputedly, the petitioner participated in the selection process for the post in question as a General category candidate and remained successful, having secured 64.6 marks as against 63.65 of the last recommended candidate in the said category. The reason for rejection of his candidature was him being overage on the closing date for submission of application form. He was held not entitled to claim age relaxation on the basis of his experience certificate, since it pertained to the post of Master

(Mathematics), whereas the post in question was that of TGT English. The requirement in terms of conditions in the advertisement, as stipulated in clause 8(I)(ix), is that the candidate must possess teaching experience on an equivalent post on *ad hoc*/contract/work-charge basis in a Government or Government-aided institution. Under clause 8.1 of the advertisement, the maximum age relaxation admissible to the candidates is five years, and that too only once for his/her appointment. Considering his age, the petitioner only required relaxation of about six months to be eligible for the post in question, and he had the requisite teaching experience as well. However, the post on which he had been working on contract basis was that of Master (Mathematics), which was not considered relevant. It is not the respondents' case that the post of Master is not equivalent to that of TGT. The objection is that his experience as Master (Mathematics) cannot be considered for grant of age relaxation for the post of TGT English. Once the post has been considered equivalent, there is no justification for denying the relaxation because the requirement in terms of clause 8(I)(ix) is to have experience on an equivalent post; it is not provided under any of the conditions in the advertisement that the experience should be of a relevant subject or post. It appeals to reason also, as this experience is not being considered for determining merit of the candidates for selection, but only to decide their eligibility for consideration. Hence, the requirement is to see equivalence of the post, instead of its relevance to the subject. This establishes that the objection taken by the respondents to the petitioner's experience to deny him age relaxation, is unsustainable.

5.1. Further, the contention by learned State counsel that the petitioner did not seek age relaxation by mentioning “NA” in his application form against the relevant column, is also without substance. The column in the application form reads - “*Provided age relaxation due to experience*”, which is required to be read along with stipulation in clause 8.1 that such relaxation can be provided to the candidates only once. As the petitioner never claimed age relaxation earlier while applying for any post under the Government, mentioning “NA” against this column cannot be construed as not claiming age relaxation, especially when he had appended duly attested experience certificates in support of his claim for age relaxation and had mentioned his date of birth, 25.09.1980, which apparently made him overage on the closing date for submission of application form. It is also not a case that there is any irregularity in the experience certificates uploaded/submitted along with the application form for the purpose. Besides, the issue has already been considered by this Court in CWP-22502-2025 titled *Vinod Kumar v. State of Haryana and others*, wherein an identical clause in the form was responded to as “NA”, which was the reason for rejection of the candidate’s claim for age relaxation. The relevant part of the judgment reads as under:

6. ... The respondents have refused to consider him for age relaxation on the ground of his response to the question/query in the form “*Provided age relaxation due to experience: NA*”. A reading of the clause makes it apparent that it requires the candidate to respond whether he/she has been provided age relaxation on the basis of experience. It is to be read with stipulation in clause 8.1 that such relaxation can be provided to

the candidates only once. Since the petitioner had never been provided age relaxation earlier, he responded by saying 'NA' (Not Applicable) and there could be nothing wrong about it. Besides, apart from uploading the experience certificate, he had submitted another certificate/Annexure-'X' issued by the School Principal and counter-signed by the District Education Officers certifying his experience. As apparent from the heading of 'Annexure-X', it is meant to provide information regarding experience for age relaxation. In the light of these facts, there was no occasion for the Commission to refuse age relaxation which has been done only by misreading the aforementioned question and its response in the application form.

Accordingly, for mentioning "NA" the petitioner's claim for age relaxation could not have been rejected.

6. For the reasons recorded, the petition is allowed. The respondents are directed to consider the petitioner within the age for selection and offer him appointment, subject to his fulfilling other requisite conditions, notionally from the date other selected candidates pursuant to the advertisement in question have been appointed, and with actual benefits from the date of joining the service. These directions are to be carried out within a period of four weeks from the date of receiving a certified copy of the order.

May 12, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*