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

**CM-2980-LPA-2026 in/and
LPA-115-2025 (O&M)**

Date of Decision: 7th May, 2026.

RAJESH KUMAR

.....Appellant(s)

V/s

STATE OF HARYANA AND OTHERS

.....Respondent(s)

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

Present Mr. Jasbir Mor, Advocate and
 Mr. Amit Dhanda, Advocate for the appellant.

 Mr. Kanwal Goyal, Advocate
 for the respondent-HPSC.

 Mr. Nitin Kaushal, Addl. A.G., Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2980-LPA-2026

Application is allowed and documents Annexures 6 and 7 are taken on record subject to all just exceptions.

LPA-115-2025 (O&M)

1. This Appeal arises out of an order dated 07.11.2024 passed by the learned Single Bench in Writ Petition bearing *CWP No. 25680 of 2023* whereby the appellant's claim for age relaxation in applying for the post of Post Graduate Teacher (Fine Arts), advertised vide advt. No. 27/2023, has been rejected.

2. The undisputed facts are that the appellant was engaged on a contract basis as MIS Coordinator w.e.f. 13.03.2014 in the office of Block Elementary Education Officer-cum-Block Resources Coordinator under the Haryana School Shiksha Pariyojna Parishad. He had worked in the said

office for nearly five years. The respondent-Commission advertised post of PGT (Fine Arts), wherein the maximum age of candidate to apply was 42 years. The appellant was above 42 years on the relevant date and therefore, was not permitted to apply for the post in question. The appellant filed the Writ Petition bearing *CWP No.25680 of 2023*, challenging the action of the respondents in denying him the age relaxation on the ground that having worked as such on a contractual post in the Education Department itself, the appellant is entitled to age relaxation as per instructions dated 03.07.2019.

3. Learned Single Judge has rejected the claim of the appellant by relying upon subsequent instructions dated 25.03.2022, issued by the Government of Haryana, which provided for age relaxation to be granted to the contractual employees who are working on the same or on the equivalent post. It is observed by the learned Single Bench that the post on which the appellant has claimed appointment is of 'PGT (Fine Arts)', whereas his working was on the post of 'MIS Coordinator' and therefore, the benefit of age relaxation cannot enure to him since his contractual working was not on the relevant post of PGT (Fine Arts) or on the equivalent post.

4. Learned counsel for the appellant submits that under the interim order passed by this Court, the appellant has already appeared for the examination(s) and has scored marks much above the last selected candidate and since a large number of vacancies are available, therefore, the appellant be accorded consideration for appointment.

5. Though the argument of the learned counsel for the appellant appears attractive, but ultimately found to be bereft of any substance inasmuch as the binding instructions of the State of Haryana to deal with the plea of age relaxation is the instructions dated 25.03.2022, as per which, the claim of age relaxation can be put forth only if the contractual employee is working on the same or an equivalent post. The instructions dated 25.03.2022 was not under challenge. Even otherwise, we do not find any perversity or illegality in such instructions dated 25.03.2022, inasmuch as the employer will always have the right to determine the eligibility of appointment and any relaxation in it will have to be based on a relevant criteria.

6. The contractual working on the same or the equivalent post forming basis of age relaxation, therefore, is a justifiable criterion for considering the plea of age relaxation. In such circumstances, the judgement of the learned Single Judge in refusing to extend the benefit of age relaxation to the appellant merits no interference. In view thereof, the appeal lacks merit and is **dismissed** accordingly.

7. All pending applications, if any, in this case are dismissed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

May 7, 2026
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>