



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

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**CWP-6817-2025
Decided On: 24.04.2025**

ASHA YADAV

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sarthak Gupta, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYAJ.(Oral)

The petition has been filed, *inter alia*, seeking a writ of certiorari quashing the e-mail dated 26.01.2025, Annexure P-11, whereby the petitioner's candidature for the post of TGT English in response to advertisement 02/2023, dated 21.02.2023, has been rejected on the ground of being overage.

2. Learned counsel for the petitioner has contended that the petitioner participated in the selection process and secured 64.6 marks, as against the cut-off marks 63.65 for Rest of Haryana (RoH) cadre. Her claim for age relaxation under clause 8.1 of the advertisement on the basis of experience certificate dated 24.01.2017, Annexure P-3, was wrongly declined. The clause requires that teachers working in privately managed Government aided, recognised and Government schools of the State shall be given age relaxation in upper age limit once subject to a maximum of five years. As a



matter of fact, after acquiring qualification of M.A., B.Ed., the petitioner has been working in Mother India Senior Secondary School, Maraut, Jhajjar, which is a recognised school affiliated to the Central Board of Secondary Education (CBSE), with effect from 01.07.2013 upto date. She submitted a certificate to that effect dated 24.01.2017, and later at the time of scrutiny of documents another certificate from the School Principal in the prescribed format, dated 25.07.2023, Annexure X, was also submitted. Therefore, there was no reason to deny age relaxation to her.

3. Learned State counsel has received instructions from the third respondent/Secretary, Haryana Staff Selection Commission, vide letter dated 24.04.2025, which is retained on the case file as Annexure 'A'. On that basis she contends that as per stipulation in the advertisement, to claim age relaxation the candidates must be working at the time of closing date for submission of application, i.e., 20.03.2023, which is not the case with the petitioner as her experience certificate, dated 24.01.2017, only states that she has worked in the School till that date. And the second certificate, dated 25.07.2023, can also not be believed since it has not been countersigned by the authorised officers. Accordingly, she could not have been given age relaxation. Learned counsel, however, does not dispute that the first certificate, dated 24.01.2017, was duly attested/countersigned by the competent authorities as per stipulations in the advertisement.

4. Heard.

5. Undisputedly, the candidates for the post in question were entitled to age relaxation in case they were in service/working as teacher(s) in privately managed Government aided or recognised Schools on the closing date. This is so provided in clause 8.1 of the advertisement, which is as under:



8.1 Teachers working in privately managed Govt. Aided Schools, recognised 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 and Haryana High Court, Chandigarh dated 06.01.2015 passed in CWP No.20110 of 2014, Som Nath Vs. State of Haryana and Others and for such working teachers, upper age relaxation certificate from Head of the Institute is mandatory and must be verified by BEO/BEEO and 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.

5.1. The only ground to reject the petitioner's experience certificate seeking age relaxation is that it does not certify her being in service on the closing date, i.e., 20.03.2023. The certificate, dated 24.01.2017, states, "*Mrs. Asha Yadav d/o Sh. Zile Singh having qualification M.A., B.Ed. has been working in this school since Ist July, 2013 to upto date as PGT English in the grade of fixed salary Rs.16880+4800+2420 usual allowance as per rules.*" To substantiate the fact that the petitioner was actually working on the closing date, she submitted another certificate, dated 25.07.2023, in the prescribed proforma-Annexure X at the time of scrutiny of documents, confirming that "*candidate Asha Yadav has worked in this organisation from 01.07.2013 to upto date and experience by him (her) is same as mentioned above by the candidate. The above information rendered by candidate is true to my knowledge.*" Accordingly, she was able to establish before the Commission at the appropriate time that she was working as a teacher in the recognised School on the closing date, and therefore her entitlement to age relaxation could not have been disputed. Not granting the same only on the premise that



the factum of her working on the closing date has not been established by her earlier certificate, dated 24.01.2017, is uncalled for in view of the latest certificate dated 25.07.2023, clearly establishing the fact.

5.2. Besides, it cannot be said that the latest certificate-Annexure X is not to be taken into account since it has not been countersigned or attested by the officers concerned in terms of clause 8.1. There is no such requirement that particulars as filled in Annexure X are also to be so attested or countersigned, nor any has been pointed out by learned State counsel. The fact of petitioner's employment in the concerned School already stands established by way of earlier certificate dated 24.01.2017, and the latest certificate only corroborates the fact as also that she was in employment on the cut-off date. Therefore, it would not require attestation again.

6. In view thereof, the communication/e-mail dated 26.01.2025 is set aside, and the Commission is directed to consider the petitioner for selection against the advertised post in accordance with merit as a candidate who is within the permissible maximum age, and offer appointment on fulfilling other requisite conditions notionally from the date other selected candidates have been appointed, subject to final outcome of CWP-29139-2024 titled *Savita Rani v. State of Haryana and others* wherein by an interim order further appointments pursuant to the selection in question have been stayed.

24.04.2025

Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No