

(2006) 08 P&H CK 0371

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11037 of 2006

Balwinder Kaur and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 01-08-2006

Acts Referred:

Citation : (2006) 08 P&H CK 0371

Hon'ble Judges : Kiran Anand Lall, J;J.S. Khehar, J

Bench : Division Bench

Advocate : None, for the Appellant;

Final Decision : Dismissed

Judgement

Kiran Anand Lall, J.—The petitioners are seeking a writ in the nature of mandamus directing the respondents to consider their applications for the posts of Multi Purpose Health Workers (Female) on contract basis, in response to the advertisement, Annexure P1, after giving relaxation of age. Vide the said advertisement the respondents advertised 208 posts of Multi Purpose Health Workers (Female), detailing therein the eligibility conditions including that the age of the candidate applying for the post should be within 18-35 years, i.e. the age fixed for Punjab Government employees, and further that 5 years relaxation would be given to the SC/ST categories as per instructions/rules.

2. The petitioners are above 35 years of age, though they fulfill all other eligibility conditions. According to them, these posts were not advertised for a period of 12 years and during this period, they and many others became over-age, as they have crossed the age of 35 years. It was further pleaded that since they crossed the age bar for no fault of theirs, they are entitled for the grant of age relaxation on this sole ground.

3. We, however, do not find any merit in the plea of the petitioners. If the posts were not advertised for a particular period, that, by itself, would not give any right to the petitioners to claim relaxation in the age bar. No rule or law providing

that it is imperative for the Government to advertise the vacant posts, within a particular time frame, has been referred to, by the petitioners. It need not be emphasised that unless some malafides can be pointed out, it is the sole prerogative of the Government to decide as to when vacancies in a particular department are to be filled up. No candidate can claim relaxation of age or, for the matter of that, of any other eligibility condition, on the ground of delay on the part of the Government, in advertising the vacancies.

4. No merit.

5. Dismissed.