

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 06.08.2026

1. CWP-28252-2024 (O&M)

NARESH KUMARIPetitioner

VERSUS

STATE OF HARYANA AND ORS
...Respondents

2. CWP-30314-2024 (O&M)

SAVITA RANIPetitioner

VERSUS

STATE OF HARYANA AND ORS
...Respondents

3. CWP-30356-2024

UMED SINGH BOORAPetitioner

VERSUS

STATE OF HARYANA
...Respondent

4. CWP-32026-2024 (O&M)

HARJEET SINGHPetitioner

VERSUS

HARYANA PUBLIC SERVICE COMMISSION
...Respondent



1.	Date when judgment was reserved	22.07.2026
2.	Date of pronouncement of judgment	06.08.2026
3.	Date of uploading judgment	07.08.2026
4.	Whether operative part or full judgment is pronounced	Full
5.	Delay, if any, in pronouncing of full judgment and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasbir Mor, Advocate for the applicants/petitioners in CWP-28252-2024 & 30314-2024.

Mr. Sanchit Punia, Advocate for the petitioner in CWP-30356-2024.

Mr. Sunny Singla with Mr. Riti Aggarwal and Ms. Kamaljeet Kaur, Advocates for the petitioner in CWP-32026-2024.

Mr. Rajiv Malhotra, DAG Haryana-State.

Mr. Kanwal Goyal with Ms. Sheena Dahiya, Advocates for respondent(s)-HPSC.

HARPREET SINGH BRAR, J. (Oral)

1. With the consent of learned counsel for the parties, the aforesaid writ petitions are being taken up together as they arise out of a common set of facts and involve identical questions of law. However, for the sake of brevity, the facts are being extracted from **CWP-28252-2024**.

2. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of *certiorari* to quash clause 10(ix) of the Advertisement dated 23.07.2024 (Annexure P-1) to the extent it provides for relaxation in upper age only for



experience on an 'equivalent post'. It is further prayed that a writ in the nature of *mandamus* be issued directing the respondents not to declare the petitioner ineligible or cancel her candidature due to overage, and to consider her eligible for the post of PGT Political Science by granting her relaxation in upper age to the extent of her teaching experience, up to a maximum of 5 years, in terms of Rule 5 of the Haryana State Education School Cadre (Group B) Service Rules, 2012 (hereinafter referred to as the '2012 Service Rules') and the judgment dated 06.01.2015 (Annexure P-10) in CWP No. 20110 of 2014 titled as '*Som Nath Vs. State of Haryana and another.*'

CONTENTIONS

3. Learned counsel for the petitioner *inter alia* contends that the respondent-Commission invited applications for the post of PGT Political Science for Rest of Haryana cadre and Mewat cadre vide Advertisement dated 23.07.2024 (Annexure P-1). One of the conditions, clause 10(ix) of the advertisement, stipulated that relaxation in the upper age limit shall be granted to candidates only to the extent of experience on an equivalent post on an adhoc/contract/work-charged/daily wages basis.

3.1. It is contended that the petitioner is in possession of the educational qualifications of B.A., B.Ed., and M.A. in Political Science with more than 50% marks and has also qualified the Haryana Teachers Eligibility Test (HTET) in the year 2011. The petitioner has been working as a Primary Teacher on a regular basis from 02.05.2017 till date, thus having



more than 7 years of teaching experience to her credit. However, since the petitioner was overage (more than 42 years) and the relaxation of age under Clause 10(ix) of the advertisement was restricted only to candidates possessing experience on an equivalent post, she submitted a representation dated 12.08.2024 (Annexure P-3) to the respondent-Commission.

3.2. Thereafter, the respondent-Commission issued a notice dated 16.08.2024 and provisionally allowed candidates, who were overage or did not possess the required qualifications, to submit hard copies of their application forms. The petitioner, being duly eligible and qualified in all other respects, submitted her application form (Annexure P-7). Subsequently, the petitioner appeared in the Subject Knowledge Test on 14.09.2024. It is submitted that the respondent-Commission declared the result on 26.09.2024 (Annexure P-9), and the name of the petitioner figured in the list of successful candidates.

3.3. Learned counsel argues that the petitioner apprehended that she was likely to be declared ineligible on account of her being overage in view of Clause 10(ix) of advertisement (Annexure P-1) and therefore, filed the present writ petition. It is submitted that the aforesaid stipulation contained in Clause 10(ix) of Advertisement is contrary to Rule 5 of the 2012 Service Rules, as amended from time to time, which provides for grant of relaxation in the upper age limit to the extent of the experience rendered by eligible teachers, subject to a maximum of five years. It is argued that in the event of any inconsistency between the conditions contained in the advertisement and



the statutory service rules, the statutory rules would prevail over the terms of the advertisement. Learned counsel also places reliance on the judgment of the Co-ordinate Bench of this Court in *Som Nath (supra)* (Annexure P-10), wherein it was observed that it would be too harsh to interpret the rules to mean that relaxation would mean only in the first advertisement issued after framing of the rules; rather, it would mean that the relaxation is available to a candidate once for his/her appointment.

3.4. Learned counsel further submits that pursuant to the interim orders passed by this Court, the petitioners, except the petitioner in **CWP-32026-2024**, were provisionally permitted to participate in the selection process. The petitioners have been successful in the selection process and the result thereof was produced before this Court in a sealed cover, as is evident from the order dated **28.01.2025**. Insofar as the petitioner in **CWP-32026-2024** is concerned, his candidature came to be rejected vide order dated **25.11.2024** (Annexure P-9 in CWP-32026-2024) and therefore there was no occasion for this Court to pass an interim order in his favour. It is further submitted that vide order dated 24.02.2025, this Court directed that three posts under the General Category, namely, one post of PGT Political Science in **CWP-28252-2024** and two posts of PGT Physical Education in **CWP-30314-2024** and **CWP-30356-2024**, be kept vacant during the pendency of the present writ petitions.

4. *Per contra*, learned State Counsel adopts the stand taken by the respondent-Commission and submits that the entire selection process has



been conducted by the respondent-Commission. It is, thus, submitted that since the respondent-Commission has undertaken the recruitment process, it is the respondent-Commission which is competent to explain the reasons for non-consideration of the claim of the petitioners.

4.1. Learned counsel for the respondent-Commission submits that Advertisement dated 23.07.2024 (Annexure P-1) was issued on the basis of the requisition received from the State Government and the conditions contained therein, including Clause 10(ix) relating to age relaxation, were incorporated in terms of the Government Instructions dated 25.03.2022 (Annexure R-3/1). It is submitted that in terms of the said instructions, the benefit of age relaxation is admissible only to candidates possessing teaching experience on an 'equivalent post'. Consequently, the petitioners, being more than 42 years of age and not possessing experience on an equivalent post, have rightly been held ineligible. It is further submitted that though the petitioners have challenged Clause 10(ix) of Advertisement as being contrary to Rule 5 of the 2012 Service Rules, they have not challenged the Government Instructions dated 25.03.2022 (Annexure R-3/1), on the basis whereof the said clause has been incorporated in the advertisement.

4.2. It is contended that Rule 5 of the 2012 Service Rules has no applicability to the case of the petitioners, as the said Rule applies to teachers working in privately managed Government-aided, recognised and Government schools. Insofar as the petitioner in **CWP-28252-2024** is concerned, she is working in Government Model Sanskriti Senior Secondary



School, Sector-26, Panchkula, and is admittedly holding the post of JBT/PRT, which is not equivalent to the advertised post of PGT. Therefore, she cannot claim the benefit of Rule 5 of the 2012 Service Rules. Reliance is also placed on the judgments rendered by the Co-ordinate Benches of this Court in *Aruna Mehta v. Haryana School Teachers Selection Board, 2017(4) SCT 223* and *Kamla Rani v. State of Haryana, 2015(2) SCT 227*.

5. In rebuttal, learned counsel for the petitioners submits that Paragraph 8 of the Advertisement (Annexure P-1) itself stipulates that the recruitment shall be governed by the applicable service rules and, therefore, the provisions of the 2012 Service Rules would prevail over any contrary stipulation contained in the advertisement.

OBSERVATION & ANALYSIS

6. I have heard the learned counsel for the parties and have perused the record with their able assistance. The controversy involved in the present writ petitions is whether Clause 10(ix) of Advertisement (Annexure P-1), restricting the benefit of age relaxation only to candidates possessing experience on an equivalent post, is contrary to the provisions of the 2012 Service Rules. The issue assumes significance in view of Paragraph 8 of Advertisement, which itself stipulates that the recruitment shall be made strictly in accordance with the relevant Service Rules, namely, the 2012 Service Rules, as amended from time to time, and the existing Government instructions issued up to the date of issuance of the advertisement. The question, therefore, is whether the petitioners are entitled



to be considered in accordance with the statutory Rules by ignoring any stipulation in the advertisement which is inconsistent therewith.

7. It is a settled principle of law that where there is any inconsistency between the terms of an advertisement and the governing statutory rules, the statutory rules must prevail. Thus, any part of the advertisement which is contrary to the statutory rules has to give way to the statutory prescription. A two-Judge Bench of the Hon'ble Supreme Court in *Ashish Kumar v. State of Uttar Pradesh, 2018(3) SCT 290*, speaking through Justice Ashok Bhushan, has observed as follows in this regard:

“20. The above rules clearly indicate that qualification for Psychologist is M.A. in Psychology. There is no other column in which Psychologist can be read in the entire rule. The B.Ed. is a preferential qualification and essential qualification is only M.A. in Psychology according to 1991 Rules. It is relevant to note that although learned Single Judge has referred to 1991 Rules but he observed that 1991 rules lays down the qualification as trained graduate along with L.T./B.T. B.Ed., the above observations of learned Single Judge are not sustainable in view of the qualification as prescribed in 1991 Rules as extracted above.

21. In the counter affidavit filed in this court by the state, 1991 rules have been accepted to be the relevant rules regulating the recruitment as has been noted in the Paragraph Xiii extracted above. The qualification prescribed in the Rules does not provide for L.T./B.T. B.Ed. as essential qualification. Thus nonpossession of L.T./B.T. B.Ed. does not make him disqualified for the post as per Statutory Rules of 1991. Appellant is postgraduate in psychology and thus, also fulfill the qualification prescribed in the 1991 Rules. The



respondent in counter affidavit had themselves come with the case that the appointment has to be made in accordance with the statutory rules. When under the statutory rules, 1991, appellant fulfill the qualification; there is no occasion to deny appointment to him.

22. Any part of the advertisement which is contrary to the statutory rules has to give way to the statutory prescription. Thus, looking to the qualification prescribed in the statutory rules, appellant fulfills the qualification and after being selected for the post denying appointment to him is arbitrary and illegal. It is well settled that when there is variance in the advertisement and in the statutory rules, it is statutory rules which take precedence. In this context, reference is made in judgment of this Court in the case of Malik Mazhar Sultan & Anr. v. U.P. Public Service Commission & Ors., 2006(2) S.C.T. 303 : 2006 (9) SCC 507. Paragraph 21 of the judgment lays down above proposition which is to the following effect:

"21. The present controversy has arisen as the advertisement issued by PSC stated that the candidates who were within the age on 01.07.2001 and 01.07.2002 shall be treated within age for the examination. Undoubtedly, the excluded candidates were of eligible age as per the advertisements but the recruitment to the service can only be made in accordance with the Rules and the error, if any, in the advertisement cannot override the Rules and create a right in favour of a candidate if otherwise not eligible according to the Rules. The relaxation of age can be granted only of permissible under the Rules and not on the basis of the advertisement. If the interpretation of the Rules by PSC when it issued the advertisement was erroneous, no right can accrue on basis thereof. Therefore, the answer to



the question would turn upon the interpretation of the Rules.”

(Emphasis added)

8. Furthermore, it is trite law that executive or administrative instructions cannot amend or override statutory rules, nor can any such instructions be issued in derogation of the statutory framework. This is for the reason that administrative directions, being non-statutory in character, do not carry the force of law. On the contrary, statutory rules, framed under the authority of an enabling statute, have the binding force of law, provided they are consistent with and not repugnant to the parent Act. Thus, while statutory rules occupy the field with full legal sanctity, mere executive instructions cannot operate to curtail, modify, or expand their scope. However, if the statutory rules are silent on any particular point, instructions can fill up the gaps and supplement the rules. In other words, instructions can be issued only to supplement the statutory rules but not to supplant them. Reliance in this regard can be placed on the judgements of the Hon'ble Supreme Court in *Yash Charitable Trust vs. Union of India, 2026 INSC 96*; *Paluru Ramkrishnaiah vs. Union of India, AIR 1990 SC 166*; *State of U.P. vs. Babu Ram Upadhyaya, AIR 1961 SC 751*; *Swapan Kumar Pal vs. Samitabhar Chakraborty, 2001(2) SCT 1104 (SC)*; and *Ram Ganesh Tripathi vs. State of U.P., 1997(1) SCT 494 (SC)*.

9. Adverting to the facts of the present case, the Advertisement dated 23.07.2024 (Annexure P-1) expressly provided that the recruitment will be made strictly in accordance with the Haryana State Education School



Cadre (Group-B) Service Rules 2012 and Mewat District School Education (Group-B) Service Rules 2012, as amended from time to time and as per the existing Government instructions issued upto the date of issuance of the Advertisement. It was further provided that the candidate should not be less than 18 years and not more than 42 years as on the closing date fixed for submission of application forms, i.e., 14.08.2024. However, relaxation in maximum age for various categories was also available under the advertisement, including relaxation for persons who have already worked or are presently working on an *equivalent post* on adhoc/contract/work-charged/daily wage basis in any Departments/Boards/Corporations/Government-aided institutions under the Haryana Government. Relevant portion of the Advertisement dated 23.07.2024 (Annexure P-1) is reproduced hereunder for ready reference:

“8. SERVICE RULES OF THE POSTS:

The Recruitment will be made strictly in accordance with the relevant Service Rules [Haryana State Education School Cadre (Group-B) Service Rules 2012 and Mewat District School Education (Group-B) Service Rules 2012] as amended from time to time and as per existing Govt. instructions issued by the Govt. upto the date of issuance of this Advertisement. The relevant Service Rules are available on the website of www.schooleducationharyana.gov.in/service-rules/page/3/

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10. AGE LIMITS: *Candidate should not be less than 18 years and not more than 42 years, as the closing date fixed for submission of online application forms to the commission i.e. 14.08.2024.*



The relaxation in maximum age for various categories is available as under:-

<i>Sr. No.</i>	<i>Categories where relaxation is admissible</i>	<i>No. of years of relaxation</i>
<i>(i) to (viii)</i>	xx	xx
<i>(ix)</i>	<i>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.</i>	<i>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.</i> <i>Note:-</i> <i>The experience certificate(s) of equivalent post issued by the Appointing Authority of respective Department / Board / Corporation / Government-aided Institution only shall be valid. Before grant of benefit of relaxation in age, the experience certificate(s) shall be got verified by the HPSC from</i>



		<i>the concerned Appointing Authority(ties).”</i>
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10. Reference must also be made to the Proviso to Rule 5 of the 2012 Service Rules, which grants teachers serving in privately managed Government-aided, recognized, and Government schools relaxation in the upper age limit to the extent of the service rendered by them, subject to a maximum of five years. The said Rule is reproduced as follows:

“5. No person shall be appointed to the post in the service by direct recruitment on contract basis who is less than eighteen years or more than forty years of age or such age as fixed by the Government, from time to time on the last date of submission of application to the recruiting agency.

Provided that teachers working in privately managed Government aided, recognized and Government schools, 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 five years. However, the said relaxation shall be as a onetime measure only.”

(Emphasis added)

11. Although the Proviso to Rule 5 stipulates that such relaxation is available as a one-time measure, a Coordinate Bench of this Court in **Som Nath (supra)** has interpreted the provision to mean that the benefit is available once for securing regular appointment and not merely in the first recruitment process conducted after the Rules came into force. The Coordinate Bench further observed that, in view of the prolonged absence of regular recruitment and the prevalent practice of filling posts on a



contractual basis, many eligible candidates were deprived of an opportunity for regular appointment and consequently became overage. The age relaxation was intended to benefit such experienced teachers who had served in recognized educational institutions, and therefore must be construed in a manner so as to advance, rather than defeat, the object of the Rule. The relevant observations of the Co-ordinate Bench are reproduced hereunder:

“9. The issue under consideration in the present petitions is as to whether the concession of age relaxation as provided in Rule 5 of the Rules is admissible to the candidates in the first advertisement issued after framing of the Rules or with reference to a candidate. The relevant Rule 5 of the Rules is extracted below:-

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*12. Contention of learned counsel for the petitioner is that the relaxation is with reference to the candidates whereas the stand of the State is that relaxation was provided in the first advertisement issued after framing of the Rules. A perusal of Rule 5 of the Rules as reproduced above shows that the age has been defined with reference to the candidates to be appointed on the posts. The relaxation as noticed above is with reference to the teaching experience subject to maximum of five years in privately managed Government aided, recognised and Government schools. Thereafter, it has been provided that the relaxation shall be as one time measure only. The line in the Rule which provided that relaxation shall be as a one time measure is to be read in the context of the Rules which provide for age limit for recruitment as a teacher, hence, has to be given interpretation in terms thereof. **It will be too harsh to interpret the Rules to mean that relaxation would mean only in the first advertisement issued after framing of the Rules rather it should be understood to mean that the relaxation is available to a candidate once for his/her appointment.***



There has been adhocism in the State for quite some time as the posts were being filled up on contract basis for quite some time and there has been no regular recruitment, hence, lot of candidates in the line could not get opportunity to be recruited on regular basis. In the process, some became over age as well. This relaxation is meant for these type of candidates, as experience always matters. The experience, the relaxation for which is being granted is only for teaching in privately managed Government aided, recognised and Government schools and not in some small tutor types shops. In the recognized, privately managed Government aided schools, there is some control on the quality of teaching as well, hence, the relaxation in age to these categories of candidates is to be granted once for his/her selection and not for any subsequent selection.”

(Emphasis added)

12. The petitioner in **CWP-28252-2024** has been working as a Primary Teacher in Government Model Sanskriti Senior Secondary School, Sector 26, Panchkula on a regular basis from 02.05.2017 till date. A plain reading of Rule 5 of the 2012 Service Rules clearly shows that the petitioner falls within the ambit of the said Rule and must be given the benefit of age relaxation on the basis of her experience as a Primary Teacher. The action of the respondent-Commission in rejecting the candidature of the petitioner merely on the ground that she does not possess experience on an equivalent post, is illegal and contrary to Rule 5. The term ‘equivalent post’ has not been used in Rule 5 and cannot be read into the provision to restrict its scope and applicability, as the same would defeat the very purpose and object of the Rule. Furthermore, as noted above, it is settled law that where there is



any inconsistency between the terms of an advertisement and the governing statutory rules, the statutory rules must prevail.

13. Moreover, the reliance placed by the learned counsel for the respondents on the Government Instructions dated 25.03.2022 (Annexure R-3/1) is misplaced and the same cannot be used to justify the aforesaid approach. Executive or administrative instructions cannot amend or override statutory rules, nor can any such instructions be issued in derogation of the statutory framework.

14. Nonetheless, this Court is of the considered view that Clause 10(ix) of the advertisement as reproduced above, operates in a different field. It grants a general age relaxation for persons who have already worked or are presently working on an equivalent post on adhoc/contract/work-charged/daily wage basis in any Departments/Boards/Corporations/Government-aided institutions under the Haryana Government. For this general class, the clause requires service on an equivalent post and caps the resultant age at 52 years. The petitioner does not claim relaxation under Clause 10(ix); rather, she is invoking the separate and specific statutory concession created for teachers by Rule 5 of the 2012 Service Rules. As noted above, instructions can be issued only to supplement the statutory rules but not to supplant them. Thus, this Court holds that the Government Instructions dated 25.03.2022 (Annexure R-3/1) may continue to operate and grant the benefit of age relaxation to employees in whose favor they have been issued. However, they cannot override or



restrict the statutory age relaxation conferred under Rule 5.

15. Furthermore, the reliance placed by learned counsel for the respondents on the judgments of the Co-ordinate Benches in *Aruna Mehta (supra)* and *Kamla Rani (supra)* is wholly misplaced, as both decisions are clearly distinguishable on facts and do not govern the controversy involved in the present case. In *Aruna Mehta (supra)*, the petitioner had sought exemption from the requirement of passing the HTET on the basis of her experience as a **College Lecturer**. The Co-ordinate Bench declined the claim, observing that under the relevant advertisement, the benefit of exemption was available only to candidates who had served in Government Schools, Privately Managed Government-Aided Schools, or Recognized Schools and possessed the requisite teaching experience prior to 11.04.2012. Since the petitioner did not satisfy the prescribed eligibility conditions, the relief was rightly denied. Significantly, the issue relating to relaxation in the upper age limit under Rule 5 of the 2012 Service Rules neither arose for consideration nor was adjudicated upon in the said case.

16. In *Kamla Rani (supra)*, the principal contention advanced on behalf of the petitioner was that the expression “teacher” occurring in Rule 5 of the 2012 Rules ought to be interpreted broadly so as to include all categories of teachers, irrespective of whether the teaching experience was acquired in primary schools, secondary schools, or colleges. The Co-ordinate Bench rejected the said contention and held that the petitioner’s experience as a Lecturer (English) at the college level did not satisfy the



requirement of teaching experience in Government Schools, Privately Managed Government-Aided Schools, or Recognized Schools as contemplated under Rule 5. Consequently, the claim for age relaxation was declined. It was further observed that accepting such an interpretation would amount to reading something alien into the statutory provision which is otherwise clear and unambiguous. On the other hand, the petitioner in **CWP-28252-2024** has experience as a Primary Teacher in Government Model Sanskriti Senior Secondary School, Sector 26, Panchkula and therefore, squarely falls within the ambit of Rule 5 of the 2012 Service Rules.

CONCLUSION

17. In view of the foregoing discussion, all the above-mentioned writ petitions are **allowed** in the following terms:

- a. The impugned orders whereby the candidature of the petitioners has been rejected on the ground that they do not possess experience on an “equivalent post” in terms of Clause 10(ix) of Advertisement dated 23.07.2024 are hereby quashed and set aside.
- b. The respondents are directed to consider the candidature of the petitioners after extending to them the benefit of relaxation in the upper age limit in accordance with Rule 5 of the Haryana State Education School Cadre (Group B) Service Rules, 2012. However, such benefit shall be admissible only if the petitioners have not previously availed the said one-time relaxation for securing



appointment against a regular post.

- c. Since the petitioner in **CWP-32026-2024** was not interviewed owing to the rejection of his candidature, the respondents are directed to afford him an opportunity to participate in the interview and thereafter consider his candidature for selection in accordance with law.
- d. The petitioners, if found eligible and meritorious, shall be offered appointment with consequential notional benefits in terms of their merit. However, actual monetary benefits shall be given to the petitioners only from the date of their actual joining. The respondents are directed to complete the aforesaid exercise within a period of six weeks from the date of receipt of a certified copy of this order.

18. Pending miscellaneous applications, if any, shall also stand disposed of.

19. Photocopy of this order be placed on the files of connected cases.

(HARPREET SINGH BRAR)
JUDGE

06.08.2026

parul verma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No