

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Writ Petition No.14075 of 2015
M.P.No.1 of 2015

R.Madhan

... Petitioner

Vs.

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 2nd respondent to issue a fresh notification, calling for the filling up of the vacancies for the post of Sub-Inspector of Police (Taluk) in the Tamil Nadu Police Subordinate Services, fixing the age limit for SC/STs at 37.

For Petitioner : Mr.V.Jayaprakash

For Respondents : Mr.V.Subbiah,
Special Government Pleader

सत्यमेव जयते
O R D E R

The grievance of the petitioner is that between the years 2011 and 2015, there was no recruitment and hence, many SC/STs candidates, who have crossed the maximum age, prescribed under the notification No.01/2015, dated 08.02.2015 of the Member Secretary, Tamil Nadu Uniformed Services Recruitment Board, Chennai, 2nd respondent herein, cannot apply. The petitioner is one such person. As per the said notification, the maximum age prescribed for SC, SC(A) and ST candidates is 33 years. Written examinations are scheduled to be

held on 23.05.2015 and 24.05.2013. Hence, the petitioner has sought for a Mandamus, directing the 2nd respondent to issue a fresh notification, calling for the filling up of the vacancies for the post of Sub-Inspector of Police (Taluk) in the Tamil Nadu Police Subordinate Services, fixing the age limit for SC/STs at 37.

2. As per the notification, the maximum age fixed for SC/ST candidates, to apply, is 33 years. The petitioner prays for a direction to respondents to re-issue the notification, fixing the age as 37 years. Though the learned counsel for the petitioner further contended that the reservation for SC/STs should be 20 years, the said contention cannot be countenanced. Prescription of age, qualifications, mode of recruitment, depends upon the nature of service and it is purely within the exclusive domain of the appointing authority. Reference can be made to a decision in P.U.Joshi v. Accountant General reported in 2003 (2) SCC 632, the Supreme Court, at Paragraph 10, held as follows:

"10. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for

ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service."

3. Courts cannot issue any Mandamus, directing the respondents to fix any age for a post. In view of the above, there are no merits in the writ petition and hence, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai 600 002.

W.P.No.14075 of 2015
and
M.P.No.1 of 2015

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