

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.16450 of 2015

&

M.P.No.1 of 2015

1.M.Pathiappan
2.P.Selvakumar

...Petitioners

Vs.

1. The Chairman,
Medical Recruitment Board,
DMS Campus, Anna Salai,
Chennai-600 018.
2. The Assistant Director,
District Employment Office,
Dharmapuri, Dharmapuri District,
Tamil Nadu.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to consider the petitioners representation dated 28.05.2015 for appointment to the post of Lab Technicians by giving necessary age relaxation as per the G.O.Ms.No.98 P & AR Department dated 17.07.2006, consequently forbear the first respondent to fill up the post of Lab Technicians without notifying existing vacancy of Lab Technicians and calling for all eligible candidates by public notice and affording five years age relaxation as per G.O.Ms.No.98 P & AR Department dated 17.07.2006 to the candidates those who were affected by the ban on recruitment.

For Petitioners : Mr.P.R.Thiruneelakandan

For Respondents : Mr.S.Gunasekaran,
Government Advocate

ORDER

The petitioners had completed the course of Certificate of Medical Lab Technician(CMLT) in the year 2001 and registered their name in the Employment Exchange in the year 2002.

2. The Government has issued G.O.Ms.No.212 P & AR Department, dated 13.11.2001, imposing a ban on recruitment for five years in all Departments except recruitment of Teachers, Doctors and Police Personnel and hence, no recruitment took place. Thereafter, the ban on recruitment was lifted only in the year 2006.

3. In view of the same, the Government issued the G.O.Ms.No.98 P & AR Department, dated 17.07.2006 relaxing the age limit by five years. Later, the first respondent decided to fill up 676 posts of Lab Technician which arose from the year 2001. While calling for the eligible candidates from the second respondent, the age limit prescribed as on 01.07.2015 as per the Tamil Daily "Dinakaran" dated 30.04.2015, is 32 years for MBC Candidates and 35 years for SC/ST candidates and 30 years for other communities. The first petitioner belongs to MBC category and the second petitioner belongs to Scheduled Caste category.

4. As the petitioners are overaged by three months, their names have not been sponsored by the second respondent to the first respondent for the said post. In such circumstances, the petitioners made representations to the respondents on 28.05.2015 and the same are pending consideration. Hence, the petitioners have filed the above writ petition.

5. The learned counsel appearing for the petitioners apprehends that the petitioners may not be considered for the aforesaid post on the ground that they are overaged. According to the learned counsel for the petitioners, if the G.O.Ms.No.98 P & AR Department, dated 17.07.2006, referred to above is considered, the petitioners are eligible for the said post and if the said G.O., is not considered, they would be overaged by three months. Hence, necessary direction may be given to the respondents to consider the representations of the petitioners.

6. In view of the above, the first respondent is directed to consider the representations of the petitioners dated 28.05.2015, seeking relaxation of the age for recruitment to the post of Lab Technician in the light of the G.O.Ms.No.98 P & AR Department, dated 17.07.2006, and pass appropriate orders within a period of three

weeks from the date of receipt of a copy of this order. If the first respondent passes an order in favour of the petitioners, then the second respondent is directed to sponsor the names of the petitioners for the abovesaid post.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

raa

To

1. The Chairman,
Medical Recruitment Board,
DMS Campus, Anna Salai,
Chennai-600 018.
 2. The Assistant Director,
District Employment Office,
Dharmapuri, Dharmapuri District,
Tamil Nadu.
- 1 CC to Mr.P.R.Thiruneelakandan, Advocate SR.No. 27929
- 1 CC to the Government Pleader, SR.No. 28243

सत्यमेव जयते

W.P.No.16450 of 2015

SAI (CO)
PSI (15.06.2015)

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