

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29558 of 2015

And

M.P.No.1 of 2015

S.Ashok Kumar

... Petitioner

Vs.

- 1 The Principal
Thanthai Periyar Government Institute of
Technology Vellore-632 002.
- 2 The District Employment
Officer District Employment Office Vellore
District Vellore. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to receive the application of the petitioner dated 16.09.2015 by giving age relaxation in-respect of skilled assistant post on weight-age of experience and daily wage service of 12 years.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner was appointed on 16.10.2002 as Office Assistant in the service of the first respondent Institute on daily wage basis through Employment Exchange and according to him he has continued to be in service without break of service and without any remarks for more than 12 years of service and he has rendered blemished service to the satisfaction of superior Officers. It is further stated by the petitioner that the first respondent has called for application on 02.09.2015 to fill up vacancies of Skilled Assistant General as well as Skilled Assistant ITI Motor Mechanic, ITI Electrician as well as Mechanic and since the petitioner is having the qualification of ITI Motor Mechanic and SSLC and also he belonging to BC category

submitted application on 16.09.2015 to the first respondent for the post of Skilled Assistant and he was informed orally since he has crossed the upper age limit of 36 years as prescribed in the notification, his application cannot be considered and hence, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to G.O.Ms.No.156, Higher Education Department dated 15.09.2014 and would submit that in rule 4, in sub-rule (a) for the expression "35 years", the expression "Fifty-Seven Years" have to be substituted and in the light of the same, it cannot be said that the claim of the petitioner is age barred and hence, he is constrained to file this writ petition.

4.This Court heard the submissions Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition directs the first respondent to consider the claim of the petitioner in terms of G.O.Ms.No.156, Higher Education Department dated 15.09.2014 in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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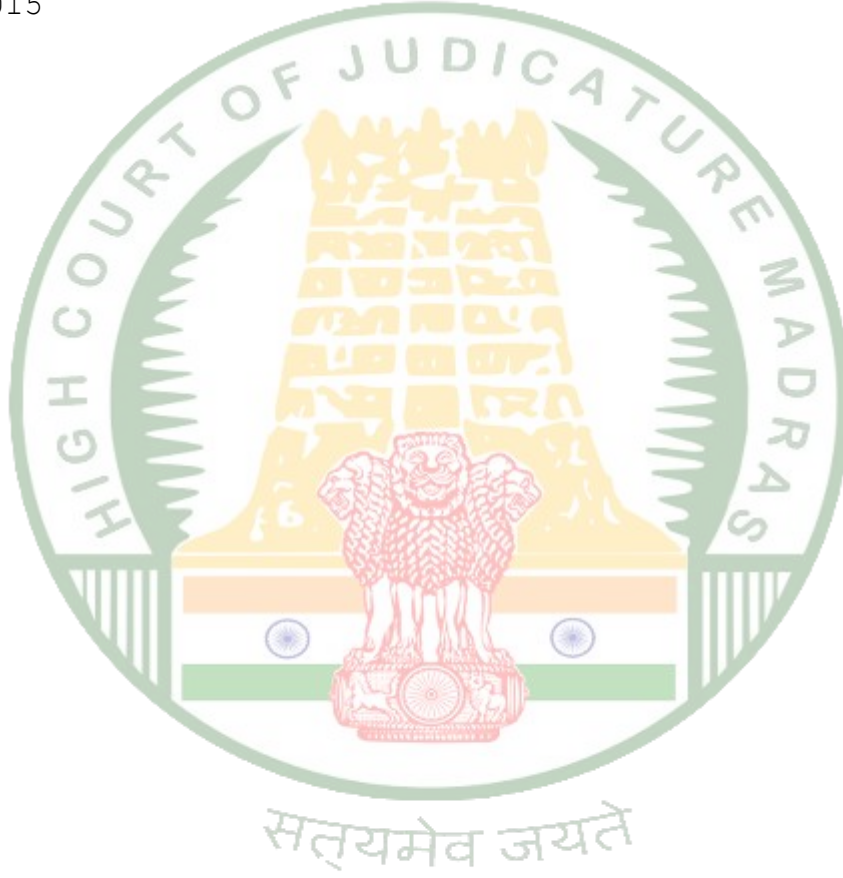
- 1 The Principal
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+1 cc to M/s.R.Margabandu Advocate sr.51213

W.P.No.29558 of 2015
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