

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35174 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Lakshmana Sundaram

..Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Assistant Director of
Town Panchayat,
Coimbatore District,
Coimbatore.

3.The Assistant Director,
O/o the District Employment Officer,
Coimbatore District,
Coimbatore.

4.The Executive Officer,
Selection Grade Town Panchayat,
Sirumugai 641 302
Coimbatore District.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the fourth respondent in Lr.No.555/2012/A, dated 07.07.2015 and quash the same in so far as para No.9 is concerned and direct the respondents to follow the Rule 12 (d) of the Tamil Nadu State and Subordinate Service Rules and invite the application from all the eligible candidates for the post of Fitter.

For Petitioners : Mr.G.Elanchezhiyan
For Respondents : Mr.S.Gunasekaran
1 to 3 Government Advocate
For 4th Respondent : Mr.R.Rajendra Narasimhan

ORDER

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

2. The writ petition is filed seeking for Writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the fourth respondent in Lr.No.555/2012/A, dated 07.07.2015 and quash the same in so far as para No.9 is concerned and direct the respondents to follow Rule 12 (d) of the Tamil Nadu State and Subordinate Service Rules.

3. The case of the petitioner is that he belongs to Schedule Caste Community (Adi Dravidar) and passed +2 Higher Secondary Examination and his date of birth is 15.05.1972. He has also completed training course in Government Industrial Training Institute, Coimbatore and passed prescribed the Trade Test in the trade of Fitter held in the month of July 1987. He was also awarded National Trade Certificate from the Government of India, Ministry of Labour, National Council for Vocational Training.

4. The petitioner would further state that he registered his name in the office of the third respondent Employment Exchange on 10.07.1995. The fourth respondent has sent a requisition letter to the third respondent to send a list of qualified persons for consideration and appointment to the post of Fitter for the selection to be held in the year 2013. Though the petitioner was placed at serial No.1 in the list, he was not selected and therefore, he challenged the selection by way of filing Writ Petition No.6252 of 2014.

5. Again, the fourth respondent issued a letter to the District Employment Officer to furnish a list of eligible candidates for the post of Fitter. In the said letter, the fourth respondent restricted the age for employment as 35 years and also stated that others are not eligible to participate in the selection and the Rule 12(d) of the Tamil Nadu State and Subordinate Service Rules have not been applicable to the selection. Since the petitioner's name was not included in the

list on the ground of over age, he sent a representation to the respondents on 16.10.2015 requesting to follow the Rule 12(d) of the Tamil Nadu State and Subordinate Service Rules and cancel paragraph No.9 of the impugned order passed by the fourth respondent. So far, no action has been taken by the respondents. Aggrieved by the inaction, the petitioner filed the present writ petition.

6. The fourth respondent filed a counter, wherein, he denied the allegations that he has rejected the petitioner on the ground that the petitioner has crossed the age of 40 years and that the fourth respondent orally informed the petitioner that he crossed the age of 41 years. It is further stated that instead of approaching the third respondent to get his name sponsored to the post of Fitter in the fourth respondent Town Panchayat, he has directly approached this Court.

7. The learned counsel for the petitioner submitted that the petitioner belongs to Schedule Caste (Adi Dravidar) community and possess qualification of +2 and ITI and therefore, Rule 12(d) of the Tamil Nadu State and Subordinate Service Rules is applicable and he is entitled for age relaxation of five years. It is further submitted that as per G.O.Ms.No.114, Personnel and Administrative Reforms (S) Department, dated 11.08.2010 and Rule 54-B of the Tamil Nadu State and Subordinate Service Rules, the petitioner is entitled for exemption of age relaxation for five years.

8. The learned counsel for the petitioner would further contend that the petitioner has already given his representation to all the respondents on 16.10.2015 including the third respondent and in view of the counter filed by the fourth respondent, the third respondent may be directed to consider the representation of the petitioner dated 16.10.2015.

9. Heard the submission of Mr.G.Elanchezhiyan, learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 to 3 and Mr.R.Rajendra Narasimhan, learned counsel appearing for the fourth respondent.

10. Though the petitioner prays for a larger relief, this Court, considering the facts and circumstances, without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 16.10.2015 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken by him to the petitioner.

11. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Assistant Director of
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Coimbatore.

3.The Assistant Director,
O/o the District Employment Officer,
Coimbatore District,
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4.The Executive Officer,
Selection Grade Town Panchayat,
Sirumugai 641 302
Coimbatore District.

+1 CC to MR.G.Elanchezhiyan Advocate. SR.NO.66959
+1 CC to Govt.Pleader. SR.NO.66931

W.P.No.35174 of 2015
and M.P.Nos.1 and 2 of 2015

CO-EV
JD 08/01/2016

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