

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.12303 of 2016
and W.M.P.No.10639 of 2016

- 1 G.Sampathkumar
Son of V.Gopalan Aged about 42 Years No.
11/13 2nd Main 2nd Cross Street Korattur
Chennai-076
- 2 G.Vasudevan
Son of V.Gopalan Aged about 39 Years No.
15-G 2nd Lane Gandhi Nagar Extn. Korattur
Chennai-076
- 3 L.Ravi
Son of V.Loganathan Aged about 35 Years No.
4B/52 Varathappan Street Olimammed
Pettai Kanchipuram-501
- 4 M.Suresh Kumar
Son of R.Marimuthu Aged about 35 years No.
109/2 West Santhu Street Nallur Post
Veppur Cuddalore-302
- 5 M.Manickaraj
Son of Mohan Aged about 35 Years NO.2/101
Kollamettu Street Paiyanur Kanchipuram-603
104
- 6 A.Palanisamy
Son of P.Arumugam Aged about 33 Years No.
65/1A Illiampatty Kottaimulanur
Dharapuram Tiruppur-638 106
- 7 C.Ramu
Son of Chinnadurai aged about 34 years No.
125-A Sivasakthi Nagar Dhalavaipattanam
Dharapuram Tiruppur-672

- 8 P.Sivakumar
Son of K.Periyasamy aged about 33 years No.
11 Puthu Kottaimeedu Street Dharapuram
Tiruppur-638 656
- 9 C.Rajesh Jayakumar
Son of P.Chelladurai Aged about 34 Years
No.22/3 Uppudurai Pulayam Koligivai
Dharapuram Tiruppur-673
- 10 R.Baskaran
Son of P.Ramalingam Aged about 41 years No.
121 Thiruneelakander Street Bhavani-638 301
- 11 B.Ramesh
Son of N.Balasubramaniam Aged about 35
years No.32-C West Kennara Street Bhavani-
638 301
- 12 S.Elumalai
Son of M.Samikannu aged about 38 years No.
234 Mettu Street Vempoondi Pelakuppam
Post Tindivanam
- 13 S.P.Murugan
Son of S.Pachiappan aged about 37 years
Kanniyam Village Thazhuthali Post
Tindivanam-604 304
- 14 S.Murugan
Son of P.Srinivasan aged about 36 years No.
2/43C/A Pillayar Koil Street Roshanai
Tindivanam-604 001
- 15 M.Saravanakumar
Son of S.Manjini aged about 36 years No.
1/23 Post Office Street Thazhuthali Post
Tindivanam-604 304
- 16 R.Prabakaran
Son of D.Rajagopal aged about 34 years
Kanniyam Village Thazhudali Post
Tindivanam-604 304
- 17 P.Prabakaran
Son of Perumal aged about 37 years Kanniyam
Village Thazhudali Post Tindivanam-604 304

- 18 K.Rajendran
Son of Kaliannan aged about 33 years
Kannurpatty Namakkal Salem
- 19 A.Palanivel
Son of Ayyavu aged about 44 years Kalyani
Village & Post Namakkal Taluk Salem
- 20 K.Sakthivel
Son of V.Krishnamurthy aged about 35 years
No.29 14th Ward Gandhi Nagar II Street
Chennimalai Erode ...Petitioners

Vs.

- 1 Tamil Nadu Generation &
Distribution Corporation Ltd Rep. by its
Chairman No.144 Anna Salai Chennai-600 002
- 2 The Chief Engineer Personnel
TANGEDCO No.144 Anna Salai
Chennai-600 002 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of declaration declaring that action of the respondents 1 and 2 in fixing the upper age limit for appointment as Field Assistant (Trainee) to SSLC studied and ITI trained candidates alone while relaxing the same to others in the selection held pursuant to the Notification No.1 dated 28.2.2016 issued by the 2nd respondent as being arbitrary, unfair, unconstitutional and illegal and direct the respondents to grant necessary upper age relaxation to the petitioners and consider and appoint them to the post of Field Assistant (Trainee) based on their educational qualification with all attendant service benefits and award costs

For petitioner : Mr. C.K. Chandrasekhar

For respondents: Mr. Abdul Saleem
for RR1 to 2

O R D E R

The petitioners have come forward with the present writ petition praying for a writ of declaration declaring that action of the respondents 1 and 2 in fixing the upper age limit for appointment as Field Assistant (Trainee) to SSLC studied and ITI trained candidates alone while relaxing the same to others in

the selection held pursuant to the Notification No.1 dated 28.2.2016 issued by the 2nd respondent as being arbitrary, unfair, unconstitutional and illegal and direct the respondents to grant necessary upper age relaxation to the petitioners and consider and appoint them to the post of Field Assistant (Trainee) based on their educational qualification with all attendant service benefits and award costs.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents.

3. As per the Notification No.01/2016 dated 28-02-2016, the last date for submission of application through On-line Mode for direct recruitment of the posts like, Technical Assistant, Assistant Draughtsman and Field Assistant was fixed as 21-03-2016. The writ petitioners have come forward with this petition with a prayer to relax the age limit after the last date of submission of application.

4. In the above said circumstances, this Court is of the view that the writ petition cannot be entertained on the ground of laches.

5. At this juncture, the learned counsel for the petitioners made a request to this Court to re-consider his case on a footing that since now the respondents, after fixing the date for holding the written examination, in view of intervening Election Code of Conduct, has postponed the date of written examination on 22-05-2016. Further, he would submit that no inconvenience would be caused to the respondents, if this Court exercising its discretionary remedy directs the respondents to re-consider the case of the petitioners to the post of Field Assistant (Trainee) without reference to the age criteria, on par with the SSLC studied and ITI trained candidates and permit the petitioners to participate in the selection to be held on 22-05-2016. But, this Court is not inclined to accept the above contention for one reason that the petitioner has miserably failed to approach this Court before the last date fixed for the submission of the application.

6. Moreover, this Court has already rejected the similar prayer sought in similar writ petitions, on the ground that the petitioners have approached the Court, belatedly after the last date of submission of application. It would be relevant to extract the order passed by this Court in W.P.No.11886 of 2016 dated 30-03-2016, which reads as follows:

"The petitioners, after having passed S.S.L.C., pursued the I.T.I., course and obtained the National

Trade Certificates issued by the State Council for Vocational Training. Thereafter, they also completed the apprenticeship training in different establishments and obtained the National Apprenticeship Certificates issued by the Department of Employment and Training. With these qualifications,

they also registered their names in the respective employment exchanges. Now the grievance of the petitioners, as contended by the learned counsel, is that when the respondent-Corporation has invited applications through on-line mode from 2.3.2016 to 21.3.2016 to fill up the post of Field Assistant (Trainee) by publishing the notification No.1/2016 dated 28.2.2016 prescribing the qualification for such post as I.T.I. (National Trade Certificate) qualification, which the petitioners possess, the respondents have introduced the written examination to the post of Field Assistant to be held on 3.4.2016. In the said notification, they have also fixed the upper age limit as 30 in respect of Open Category, 32 for Backward Class and Most Backward Class and 35 for Scheduled Caste/Scheduled Tribe candidates. Under these circumstances, when some of the similarly placed persons approached this Court by filing W.P.No.9964 of 2016, by order dated 16.3.2016, a direction was issued to the respondents to grant age relaxation, since the petitioners therein have acquired the National Trade Certificates, with a further direction to the respondents to permit the petitioners therein to apply for the post of Field Assistant, subject to the result of the writ petition. Therefore, the same relief can be granted to the petitioners herein, he pleaded.

2. No doubt, this Court has entertained W.P.No.9964 of 2016 on the basis of the order passed by me on 16.3.2016. But the case on hand is wholly different from the case of the petitioners in the aforesaid writ petition. The reason is that the petitioners in the aforesaid writ petition came to this Court before the expiry of the last date of submission of the applications, which was 21.3.2016. But in the present case, when the date fixed for submission of the applications were over long time ago, the petitioners cannot come to this Court so belatedly. Moreover, I have also dismissed a similar and identical writ petition on the ground of delay. Therefore, the prayer of the petitioners

cannot be considered. Accordingly, the writ petition is dismissed, as the petitioners have approached this Court belatedly. Consequently, W.M.P.Nos.10264 to 10266 of 2016 are also dismissed. No costs."

In view of the above, this writ petition is dismissed. No costs. Connected W.M.P.No.10639 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1 Tamil Nadu Generation &
Distribution Corporation Ltd Rep. by its
Chairman No.144 Anna Salai Chennai-600 002

2 The Chief Engineer Personnel
TANGEDCO No.144 Anna Salai Chennai-600 002

+1cc to M/S.C.K.Chandrasekar, Advocate, S.R.No.20989

+1cc to M/S Abdul Saleem, Advocate, S.R.No.21399

W.P.No.12303 of 2016

sns (CO)
srg (06/04/2016)

सत्यमेव जयते

WEB COPY