

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.27079 of 2016

and WMP.No.23252 of 2016

Y.R.Geetha

...Petitioner

Vs.

1.The State of Tamil Nadu
rep. By its Principal Secretary
Home (Courts) Department
Fort St.George
Chennai-600 009

2.The Chairman/Member Secretary
Tamil Nadu Public Service Commission
Chennai-600 003

3.The Registrar General
High Court,
Madras-600 104

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 21.07.2016 for relaxation of age for the post of Personal Assistant to the Hon'ble Judges as per the Notification No.10/2016 dated 20.07.2016 by receiving the Application and to write the examination and consider for appointment on merits.

For Petitioner : Mr.C.Selvaraju, Senior counsel
for M/s.C.S.Associates

For Respondents : Mrs.A.Srijayanthi, Spl.G.P. For R1
Ms.C.N.G.Niraimathi for R2
Mr.P.K.Rajagopal for R3

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.C.Selvaraju, learned Senior counsel appearing for the petitioner. Considering the nature of order passed in this writ petition, notice to respondents is dispensed with.

2. The Petitioner claiming to be the staff in the Court of Small Causes, Chennai, is stated to be at present, working as Junior Assistant. In this Writ Petition, the petitioner seeks for a direction to the respondents to consider the relaxation of age in order to make Application and write the examination for appointment to the post of Personal Assistant to the Hon'ble Judges.

3. Rule 6 of the Madras High Court Service Rules, 2015, provide for qualifications for appointment to the Service by way of recruitment. Sub Clause (4) to Rule 6 provides that the maximum age limit for Service candidates (Madras High Court Service and Tamil Nadu State Judicial Ministerial Service) for appointment to the categories shall be 45 years.

4. Learned Senior counsel appearing for the petitioner submits that the age limit relaxation may be considered by the respondents in so far as the petitioner is concerned, as she is continuously working in Judicial Service and having rich experience so that she could participate in the selection process.

5. The petitioner is aged 48 years and her grievance is that unless age relaxation is considered, she could not apply for the post of Personal Assistant to the Hon'ble Judges and to submit the application to the Tamil Nadu Public Service Commission as she become over aged even though she is working in the Judicial Department.

6. Normally, when the Rules regarding the Service of persons on the establishment is published, it is a matter of policy decision and in such circumstances, issuing writ of mandamus to the respondents to relax age is not permissible. However, proviso (iii) to (4) of Rule 6 (a) of the Madras High Court Service Rules, 2015, states that the Chief Justice may, at his discretion, relax the age rule, if he considers it necessary in

individual cases. As such, if the age relaxation is to be considered, it is the discretion of the Chief Justice and his satisfaction of the case before him. Therefore, we are of the view that a direction sought for by the petitioner cannot be issued in this regard. At the most, the petitioner may submit a representation to the third respondent seeking age relaxation, if not already submitted.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government of TamilNadu,
Home (Courts) Department,
Fort St.George,
Chennai-600 009.
- 2.The Chairman/Member Secretary
Tamil Nadu Public Service Commission
Chennai-600 003
- 3.The Registrar General
High Court, Madras-600 104.

+1cc to M/S.C.S.Associates, Advocate Sr.43896
+1cc to the Government Pleader Sr.44123

W.P.No.27079 of 2016

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srg 04/08/2016

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