

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1.12.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.A.No.1083 of 2016
and
C.M.P.No.14107 of 2016

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Personnel and Administrative Reforms
Department,
Fort St. George, Chennai 600 009.
2. The Chief Engineer (General),
Highways Department,
Chepauk, Chennai 600 005.
3. The Divisional Engineer (Highways),
NABARD and Village Roads,
Dharmapuri, Dharmapuri District.
4. Tamil Nadu Public Service Commission,
Omanthoorar Government Estate,
Anna Salai, Chennai-2.
5. The District Collector,
Dharmapuri District, Dharmapuri. Appellants/Respondents

Versus

S.Angayarkanni

Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.6.2012 passed in W.P.No.29068 of 2011 and M.P.No.1 of 2011 on the file of this court. Writ Petition filed under Article 226 of the Constitution of India, praying for the insurance of a writ in the nature at Mandamus, directing the respondent 1 to 4 herein to Appoint the petitioner on regular basis in the post of Typist Grade III on the day on which the similarly placed candidates are Appointed as Typist or Steno Typist Grade III on regular basis pursuant to the Special Competitive Examination - 2009 conducted by the 4th respondent

herein for the post of Typist or Steno Typist Grade iii on regular basis.

For appellants : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For Respondent : Mr.B.R.Shankaralingam

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.B.R.Shankaralingam, learned counsel, appearing for the respondent.

2. It appears that the respondent herein had served in various Departments of the State on daily wages, for about nine years, however, her services was not regularized on the ground that she had just crossed the age of 40 being the eligible age limit for her category. The writ petition filed by her was allowed by the learned Single Judge, holding that she was subjected to artificial break in her service and her case cannot be covered under temporary appointment as it was by regular process of selection and therefore, a direction was issued to consider her case for regularization by relaxing the condition of passing the special test, which is, now, under challenge, in this writ appeal.

3. Of course, as on 1.7.2016, the respondent herein had just crossed the age of 40, by not even a month. Further, it appears that she was not allowed to take the qualifying special test since she was not in service by then, however, subsequently, she was allowed to write the examination, during her re-employment and now she is qualified. The State has preferred the appeal on the ground that he is not qualified by the test conducted by the TNPSC. However, she has appeared for the subsequent test and also passed in the special test.

4. Therefore, considering the length of service of the respondent and the peculiar circumstances of the case, it is for the appellants to consider the case of the respondent herein to do the needful in accordance with law, within a period of three months from the date of receipt of copy of this order. It is for the respondent to furnish all the details with regard to her passing of the TNPSC test subsequently. The writ appeal is

disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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5. The District Collector,
Dharmapuri District, Dharmapuri.

+1cc to Mr.B.R. Shankaralingam, Advocate, S.R.No.70933

nmi (CO)
md(19/12/2016)

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