

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-08-2016

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THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.29599 of 2016
and
W.M.P.Nos.25636 and 25637 of 2016

1.G.Kamalakannan
2.K.Balasudhan
3.R.Balamurugan
4.K.Srinivasan
5.T.Sureshbabu
6.K.Senthilkumar
7.V.Vijayakumar ... Petitioners

Vs.

1.Tamil Nadu Generation and Distribution Corporation Limited
rep. by its Chairman
No.144, Anna Salai
Chennai-600 002.
2.Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Limited
No.144, Anna Salai
Chennai-600 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Notification No.1/2016, dated 28.02.2016, insofar as not giving age relaxation to the petitioners, who are possessing S.S.L.C. with I.T.I. and quash the same and consequently, to direct the 2nd respondent to give age relaxation to the person, who are having S.S.L.C. and I.T.I. qualification and pass such other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.V.Stalin

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Notification No.1/2016, dated 28.02.2016, insofar

as not giving age relaxation to the petitioners, who are possessing S.S.L.C. with I.T.I. and quash the same and consequently, to direct the 2nd respondent to give age relaxation to the person, who are having S.S.L.C. and I.T.I. qualification.

2. According to the petitioners, they have completed S.S.L.C. and I.T.I.(Electrician) course and they have obtained National Trade Certificate. Apart from that, the petitioners have completed one year Apprenticeship Training in the Tamil Nadu Generation and Distribution Corporation Limited. Thereafter, the petitioners have registered their name with the respondents Corporation with Apprenticeship Certificate. While so, the 1st respondent Corporation has invited applications through online to fill up the post of Field Assistant (Trainee) by publishing Notification No.01/2016, dated 28.02.2016, prescribing the educational qualification as I.T.I. (Electrician) and the upper age limit has been fixed as 30 years for Open Category; 32 years for Backward and Most Backward; and 35 years for Scheduled Caste/Scheduled Tribe. The written examination is now scheduled to be held on 27.08.2016. The grievance of the petitioners is that in the said Notification, for the candidates who possess the Higher Secondary Certificate or Diploma, no upper age limit has been fixed and age relaxation has been given. The further grievance of the petitioners is that the I.T.I. holder possessing Higher Secondary Certificate or Diploma and I.T.I. holder possessing S.S.L.C. should be treated equally for fixing age limit, but, the persons possessing Higher Secondary Certificate is considered to possess higher education and for them, no upper age limit is fixed, which is a clear discrimination and hence, the present Writ Petition has been filed seeking the relief stated supra.

3. Mr.V.Stalin, the learned counsel for the petitioners would mainly contend that the persons possessing higher education i.e., +2 is considered to be higher education and no upper age limit is fixed for them, which is clear discrimination. He would further add that all the petitioners have completed Apprenticeship Training and therefore, they ought to have been granted one year relaxation, but, the same was not mentioned in the impugned order, thereby, the petitioners, who have crossed the age limit, were not able to make applications through online to the post of Field Assistant.

4. On a careful reading of the impugned order, it is crystal clear that for the post of Field Assistant, the requirement is that of a I.T.I. (National Trade Certificate/National Apprenticeship Certificate) in Electrical (or) Wireman. The upper age limit has been fixed as 30 years for Open Category; 32 years for Backward and Most Backward; and 35 years for Scheduled

Caste/Scheduled Tribe. Infact, in the impugned order, it is made clear that there is no upper age limit to the candidates those who possess higher than the minimum General Educational Qualification (i.e., who have passed P.U.C./H.S.C./Diploma etc.) belongs to SCs, SC(A)s, STs, MBC/DCs, BCOs, BCMs, including Differently abled persons, of said caste and Destitute widow of all caste. Admittedly, the petitioners possess the requisite qualification to apply for the said post viz., they possess S.S.L.C. and I.T.I. (Electrician) course. Now the only grievance of the petitioners is that the I.T.I. holder possessing Higher Secondary Certificate or Diploma and I.T.I. holder possessing S.S.L.C. should be treated equally for fixing age limit, but, the persons, who possess Higher Secondary Certificate or Diploma is considered to possess higher education and for them, no upper age limit is fixed, which is a clear discrimination. In my considered opinion, in the impugned order, when it is made very clear that only the persons, who possess higher qualification will be given age exemption, admittedly, the petitioners are not entitled to seek for age exemption as they do not possess higher qualification, which is equivalent to Higher Secondary Certificate and they possess only the requisite qualification, viz., S.S.L.C. and I.T.I.(Electrician).

5. For the foregoing discussions held, I am of the view that the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed at the stage of admission itself. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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1 cc to Mr.V.Stalin, Advocate, sr.48944
1 cc to Mrs.R.Varalakshmi, Advocate, sr.48444

W.P.No.29599 of 2016

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