



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2016

CORAM

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD).No.3893 of 2016

T.Raj

.. Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai 600 009.

2. The Director of Public Health and
Preventive Medicine,
DMS Compound,
Teynampet, Chennai - 6.

3. The Deputy Director,
Medical and Rural Health Services
and Family Welfare,
Tirunelveli - 3.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a WRIT OF MANDAMUS directing the third respondent to issue a call letter and permit the petitioner to participate in the interview which is to be schedule on 26.02.2016 conduct by the 3rd respondent.

For Petitioner : Mr.D.Selvanayagam

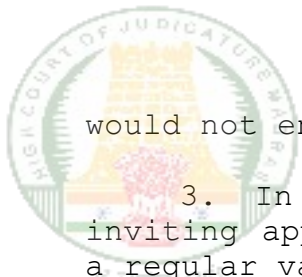
For Respondents : Mr.M.Murugan

Government Advocate

ORDER

The petitioner was appointed as driver with the third respondent on 17.11.2004 on contract basis. After completion of eight years of service, he was terminated by an orde,r dated 28.12.2012. Though the petitioner did not challenge the order of termination, similarly placed persons, like the petitioner, had filed writ petitions before this Court challenging the termination orders, in which, the orders of termination were set aside.

2. Thereafter, the petitioner also preferred W.P.(MD)No.5508 of 2015 to consider his claim and to appoint him for the post of driver in the regular vacancy in the respondents' department and the same was disposed of by this Court on 15.04.2013 permitting the petitioner to make necessary application to the respondents. However, it was made clear by this Court that the mere permission granted to the petitioner to apply,



would not entitle him for any accommodation of a job.

3. In the meanwhile, there was an advertisement on 02.02.2016 inviting applications for direct recruitment for the posts of drivers on a regular vacancies prescribing last date as 09.02.2016.

4. Though the petitioner herein had applied for the same, he had not received any call letter and the interview is fixed on 26.02.2016. After notice, the learned Government Advocate appeared and on instructions, it is stated that totally 253 applications were received by the respondents, of which, 167 were accepted and 86 were rejected including that of the petitioner. The number of vacancies as per the advertisement are 32. Curiously, the advertisement prescribes the upper age limit as 35 for SC; SC Arunthathiar and ST and 32 for MBC and 30 for BC and others.

5. Admittedly, the petitioner is 42 years, which disqualifies him even from applying for the post. While so, the petitioner cannot insist that he should be issued a call letter and permit him to participate in the interview schedule to be conducted on 26.02.2016 by the third respondent. As the petitioner is disqualified even from applying, in view of the over age, the request of the petitioner cannot be entertained.

6. Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Secretariat,
Chennai 600 009.

2. The Director of Public Health and
Preventive Medicine,
DMS Compound,
Teynampet, Chennai - 6.

3. The Deputy Director,
Medical and Rural Health Services
and Family Welfare,
Tirunelveli - 3.

+ 1 CC TO M/S.D.SELVANAYAGAM, ADVOCATE IN SR NO. 11135

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 11301

RJ2

TE/SK-SKN/ : 10/03/2016 : 2P/6C