

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4115 of 2017

and WMP.Nos.4270 and 4271 of 2017

N.Radha

... Petitioner

vs.

- 1.The Bank of Baroda,
Rep. by its Director/Chief Manager,
Bank of Baroda, Zonal Office,
Baroda Pride, No.41, 3rd Floor,
Lus Church Road, Mylapore,
Chennai-4.
- 2.The Chief Manager,
Bank of Baroda,
Regional Bank Office,
No.82, 3rd Floor, Bank Road,
Coimbatore-8.
- 3.The Bank Manager,
Bank of Baroda, Sulu Branch,
IA, Trichy Road, Opposite to KMCH Hospital,
Coimbatore District,
Sulu-641 402.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to accept the petitioner's postal application and select and appoint her as Sanitary Worker cum Peon pursuant to the issuance of Notification.

For Petitioner : M/s.Meenakshi

For Respondents : Mr.S.Haroon-Al-Rasheed
for M/s.T.S.Gopalan

O R D E R

By consent, this Writ Petition is taken up for final disposal. Mr.S.Haroon-Al-Rasheed, learned counsel accepts notice on behalf of the respondents.

2. The petitioner would aver that she belongs to Hindu Kuravan - Scheduled Caste Community and after completing X standard, she registered her qualification with the District Employment Exchange, Coimbatore and was awaiting employment opportunity in any one of the Government Departments and during October 2015, the branch office of the third respondent got opened and there was demand for the post of Sweeper cum Helper. The petitioner submitted the application and after due verification of all the original certificates such as educational qualification, she was appointed as Sweeper on daily wage basis and she is discharging her duties for nearly 1 year. The petitioner would further aver that the first respondent has issued a notification for filling up the post of Sweeper cum Peon numbering 155 and Peon - 35 posts for the State of Tamilnadu and Sweeper cum Peon - 2 posts and Peon-1 post to the Union Territory of Puducherry and one of the condition is that the candidate should have been between 18 -26 years of age as on 22.11.2016 and in respect of Scheduled caste and Scheduled Tribe category, age limit has been relaxed upto 5 years.

3. The learned counsel appearing for the petitioner would submit that the on-line application submitted by the petitioner has not been accepted primarily for the reason that on 22.11.2016, the petitioner has crossed the age of 31 years and taking into consideration that the petitioner belongs to Scheduled Caste community and she falls under the category of people belonging to below poverty line and she is married and has to maintain her two children, prays for appointment by relaxation of the age and further taking into consideration that she has rendered continuous service for one year, her plea may also be sympathetically considered and prays for appropriate orders.

4. Per contra, the learned counsel appearing for the respondents would submit that the petitioner has crossed the age of 31 years on 13.03.2016 and if the claim of the petitioner is considered, then very many persons would come forward with similar relief, which would open flood gates and the petitioner is very well aware of the prescription of age limit at the time of submitting the on-line application and therefore, her claim is wholly untenable and prays for dismissal of the writ petition.

5. In response to the same, the learned counsel appearing for the petitioner would submit that completed age alone should be taken into consideration and therefore, it is always open to the respondents to relax the age and prays for entertainment of the petitioner's application and considering her claim for appointment to the post of Sanitary worker cum Peon on merits.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. One of the conditions prescribed for submitting on-line application for selection and appointment to the post of Sweeper cum Peon is that the candidate should be between 18-26 years as on 22.11.2016 and insofar as candidates belonging to Scheduled Caste/Scheduled Tribe category is concerned, age relaxation upto 5 years is given and admittedly, at the time of submitting the application, the petitioner has crossed 31 years on 13.03.2016 and in the light of the same, the on-line application of the petitioner has not been accepted. It is also the claim of the petitioner that since she has rendered 365 days of continuous service, she is also entitled to relaxation. In the considered opinion of the Court, the petitioner, on account of the age limit prescribed as on 22.11.2016, has become age barred. Insofar as the continuous period of service and consequential reliefs claimed by the petitioner is concerned, this Court is of the view that in this writ petition, the petitioner cannot claim such a relief.

8. In the light of the above facts and circumstances, this Court is of the view that this writ petition deserves dismissal. However, if the petitioner is so advised, it is always open to her to work out her further or other remedy in accordance with law before the competent forum.

9. This Writ Petition is dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True copy/
Sub Assistant Registrar

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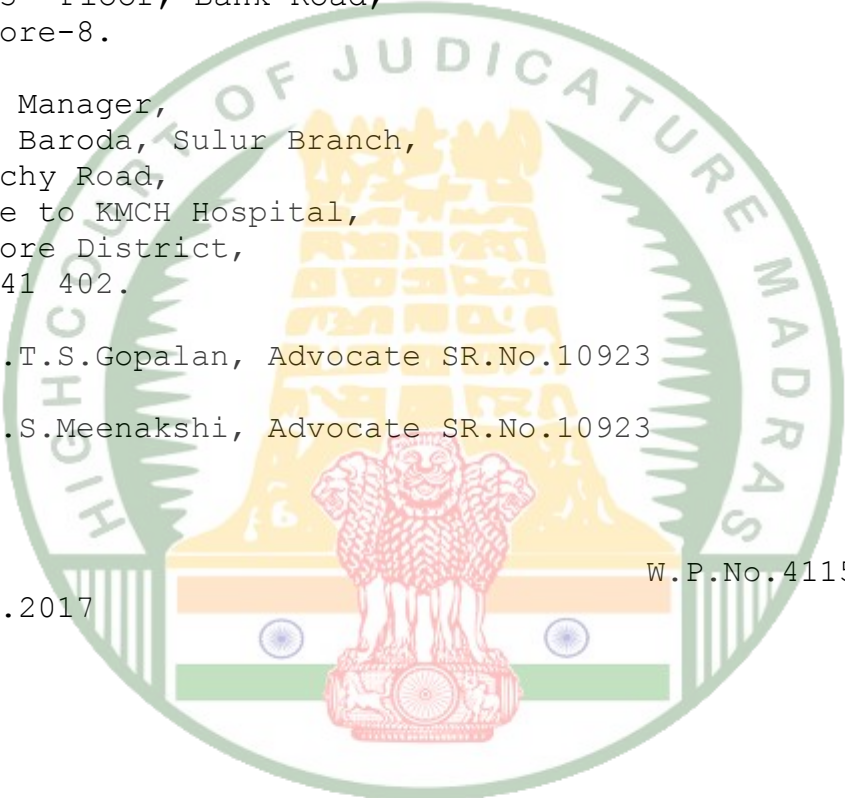
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+1cc to Mr.T.S.Gopalan, Advocate SR.No.10923

+1cc to Mr.S.Meenakshi, Advocate SR.No.10923

SDR 09.03.2017

W.P.No.4115 of 2017



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