

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8350 of 2014

&

M.P.No.1 of 2014

S.Murugesan

.. Petitioner

vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
Department of Employment & Training
Fort St. George
Chennai - 600 009

2.The Secretary
Adi dravidar & Tribal Welfare Department
Fort St. George
Chennai - 600 009

3.Assistant Director
District Employment Office
Vellore

4.District Collector
Vellore District
Vellore

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing respondents to consider the petitioner for any appointment based on his qualification by granting age relaxation.

For Petitioner
For Respondents

: Ms.M.N.Sumathy
: Mr.K.Thangapandi
Government Advocate

O R D E R

The relief sought in this writ petition is for a direction to the respondents to consider the petitioner for any appointment based on his qualification by granting age relaxation.

2. The learned counsel for the petitioner made a submission that the writ petitioner is now aged about 46 years and he belongs to Scheduled Caste community. Further it is stated that the writ petitioner has passed 9th standard and registered his qualification with the District Employment Exchange. Therefore, the writ petitioner is constrained to move this writ petition seeking a direction to consider him for any one of the post in the Government Department.

3. The relief sought in this writ petition is absolutely misconceived. Appointment can never be claimed as a matter of right. Any person aspiring for public service should participate in the open recruitment process. Mere submission of application to an Authority will not confer any right on the candidate to seek a direction to provide appointment. It is for the writ petitioner to participate in the process of selection and get selected. Contrarily by filing a writ petition, he cannot seek any direction in respect of public employment.

4. The petitioner further seeks for age relaxation. Relaxation of age cannot be granted by way of an order in the writ petition. The rules relating to recruitment in public service should be scrupulously followed by the competent authority. The power of relaxation of age is provided to the Government and the same is to be exercised only to mitigate injustice, if any occurred. Therefore, the relief sought in this writ petition cannot be granted. The petitioner has to participate in the process of selection, if he is otherwise qualified. In this view of the matter, no further adjudication is required in this writ petition.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gpa

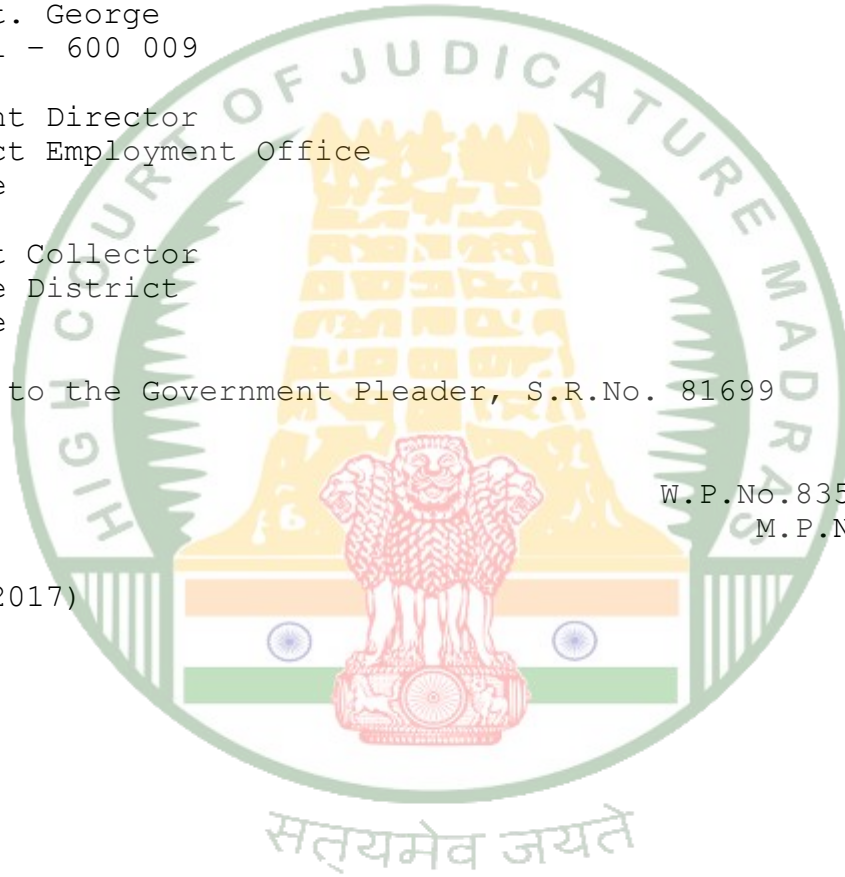
To

- 1.The Secretary
Government of Tamil Nadu
Department of Employment & Training
Fort St. George
Chennai - 600 009
- 2.The Secretary
Adi dravidar & Tribal Welfare Department
Fort St. George
Chennai - 600 009
- 3.Assistant Director
District Employment Office
Vellore
- 4.District Collector
Vellore District
Vellore

+1cc to the Government Pleader, S.R.No. 81699

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KJI(CO)
TR(06/12/2017)



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