

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3121 of 2017

M.Senthil Kumar

..Petitioner

Vs

The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 3.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to permit the petitioner to apply for the posts including in CSS-I Examination (Group-I Services) in Notification No.19/2016 dated 09.11.2016 based on the representation of the petitioner dated 24.11.2016.

For Petitioner : Mr.K.Murugesan

For Respondent : Mr.C.N.G.Niraimathi

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner is aged about 35 years. He would aver that he is one of the Civil service aspirant and preparing for the competitive examinations conducted by the Tamil Nadu Public Service Commission and successfully completed TNPSC Group II Examination in the year 2013 and is working as Assistant in the Tamil Nadu Uniform Service Board from 25.05.2016. It is further submitted that the respondent issued notification No.19/2016 for direct recruitment to the post included in CCS-I examination (Group I Services) and as per the notification, the maximum aged limit for all categories including B.C, M.B.C., and SC/ST is 35 years except O.C. category. The petitioner has applied through proper channel 02.12.2016 in response to the said notification and came to understand that he is over aged by 28 days and in this regard, he submitted a representation dated 24.11.2016 praying for relaxation of age limit insofar as the petitioner is concerned. Since no orders came to be passed, he came forward to file this writ petition.

3. Learned counsel for the petitioner submitted that in several States in fact, in Kerala, Karnataka and Andhra Pradesh, they have relaxed the maximum age limit for Group I Service from 40 to 45 years and in all fairness, the respondent ought to have considered the representation of the petitioner and relaxed the age limit for the reason that the petitioner is over aged only by 28 days and therefore, prays for appropriate orders.

4. Ms.C.N.G.Niraimathi, learned Standing Counsel appearing for the TNPSC would submit that fixation of education and other qualification are squarely within the ambit of the respondent Commission which is also a statutory body and in the absence of any legal right with the corresponding obligation on the part of the Commission to comply with the same, the prayer sought for by the petitioner, cannot be granted.

5. This Court has considered the rival submission.

6. As rightly contended by the learned counsel for the petitioner, the fixation of education qualification with regard to age criteria and other parameters falls within the domain of the respondent commission which is the constitutional entity and this Court, in exercise of Article 226 of the Constitution, cannot direct the respondent to consider the representation submitted by the petitioner for relaxation of age limit. There is no legal right vested with the petitioner to seek relaxation of age.

6. In the light of the above facts and circumstances, this writ petition lacks merits and the same deserves to be dismissed. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 3.

+lcc to Mr.K.Murugesan, Advocate sr.7991

W.P.No.3121 of 2017

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