

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15162 of 2015

1. A.Ramesh
2. S.Karunakaran
3. R.Vijayaramar
4. S.Prabhakar

.. Petitioners

-vs-

1. State of Tamil Nadu
rep by its Secretary to Government
Health Department
Fort St.George
Chennai 600 009

2. Medical Services Recruitment Board
rep by its Member Secretary
7th Floor, DMS Building
No.359, Anna Salai
Teynampet
Chennai 600 006

3. The Director
Director of Employment Training
Guindy
Chennai 600 032

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to include the petitioners name in the selection list to be prepared by the second respondent and consequently select the petitioners for the post of Dark Room Assistant on the basis of their employment seniority without insisting on the age limit.

For Petitioners:: Mr.M.Gnanasekar

For Respondents:: Mr.M.Perumal
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to the second respondent to include the names of the petitioners in the selection list to be prepared by the second

respondent and consequently select the petitioners for the post of Dark Room Assistant on the basis of the employment seniority without insisting on the age limit.

2. The learned counsel for the writ petitioners contended that all the writ petitioners are qualified for selection to the post of Dark Room Assistant and the respondents have not considered their names on the ground that they are over-aged. Even in paragraph-6 of the affidavit filed in support of the writ petition, it is stated that as per the prospectus for Para Medical courses, the age limit prescribed is 30 years in respect of other categories other than SC/ST and in respect of SC/ST it is 35 years and in the event of adopting the same analogy, the names of the petitioners will not be included in the tentative list based on which the final list has to be drawn. However, it is contended by the learned counsel for the writ petitioners that the respondents have selected the candidates for the post of Radiographer without reference to the age limit based on the employment seniority. Certain instances are also cited by the writ petitioners in this regard.

3. The learned Government Advocate appearing on behalf of the respondents submitted that the post of Dark Room Assistant is filled up by way of selection in accordance with the rules and in the case on hand, the respondents had followed the procedures and the rules in this regard and that the writ petitioners have also applied online for the post.

4. Paragraphs-6 & 7 of the counter affidavit filed by the second respondent read thus:-

"6. It is submitted that as a preliminary step the Medical Services Recruitment Board has requested to sponsor eligible candidates for the post of Dark Room Assistant vide the letter Ref.No.23/MRB/E3/2015 dated 24.04.2015. In that letter the age limit for sponsoring candidates had been mentioned as follows:
Under direct recruitment the age limit for recruiting candidates was 30 years for OC, 32 for BC, BCM & MBC/DC and 35 for SC, SC(A), ST and DW of all castes.

Age limit	SC	ST	MBC	BC	OC
Maximum	35	35	32	32	30
Minimum	18	18	18	18	18

7. Meanwhile the clarification for age limit has been given by the Government vide the Government Letter No.22796/C2/2014, Health and Family Welfare Department, dated 18.05.2015, as follows:-

"The Government clarify that as per Rule 12(d) of General Rule for the Tamil Nadu State and Subordinate

Service, the candidates who possess the prescribed Educational Qualification, the following age concession is applicable".

Sl. No.	Prescribed Educational Qualification	Category	Maximum age limit
1	SSLC/MGEQ	i. SC, SC(A), ST and DW of all castes. ii. MBC/DC, BC and BC(M) iii. Others	35 32 30
2	Higher Qualification than SSLC/MGEQ (i.e. +2, Diploma and Degree)	i. SC, SC(A), ST, MBC/DC, BC and BC(M) and DW of all castes ii. Others	No maximum age limit 30

Based on the above clarification revised letter has been sent to the Directorate of Employment and Training, Guindy, Chennai-32 vide the letter Ref.No.23/MRB/E3/2015 dated 26.05.2015 with a request to sponsor the candidates for the post of Dark Room Assistant."

5. In view of the fact that the writ petitioners are not fulfilling the conditions stipulated in the rules in respect of their age, no further consideration can be shown on the grounds raised in this writ petition. Accordingly, the writ petition stands dismissed. Consequently, M.P.Nos.1 & 2 of 2015 are also dismissed. However, no order as to costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ss

To

1. The Secretary to Government
Health Department
Fort St.George
Chennai 600 009

2. The Member Secretary
Medical Services Recruitment Board
7th Floor, DMS Building
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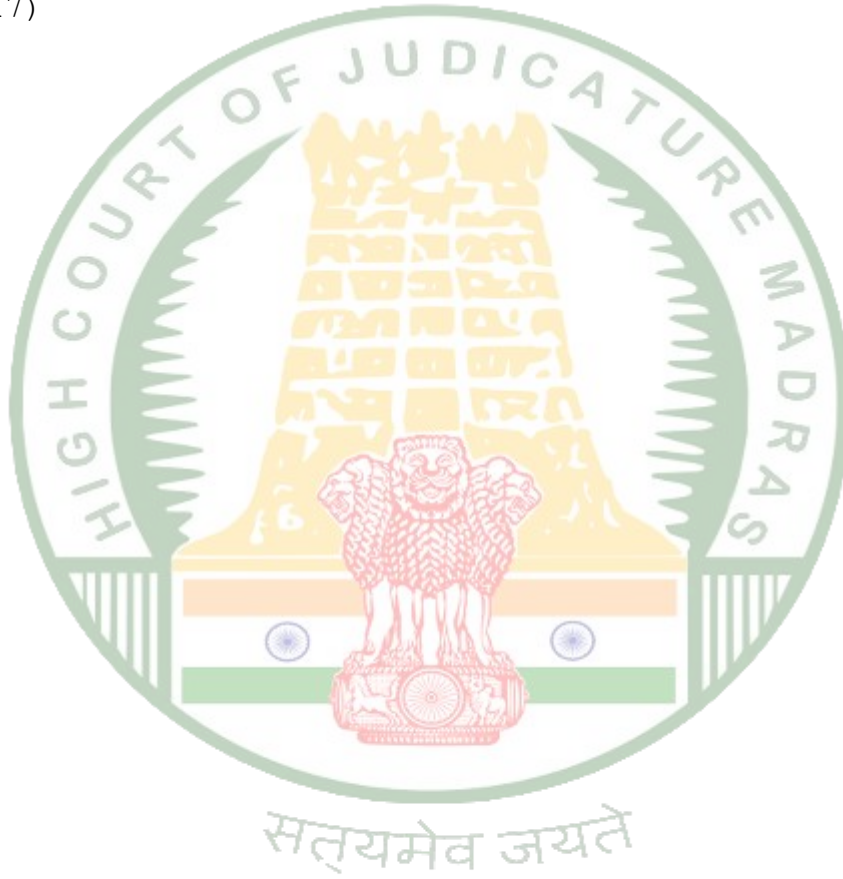
3. The Director
Director of Employment & Training
Guindy
Chennai 600 032

+1cc to Government Pleader sr.60568

+1cc to Mr.M.Gnanasekar,Advocate sr.60341

W.P.No.15162 of 2015

ss(4/9/2017)



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