

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.22872 of 2014
and MP.Nos.1/2014 and 2/2015

P.T.Meena

...Petitioner

Versus

The Tamil Nadu Public Service Commission,
rep.by its Secretary,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai-600 003.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the notification bearing No.9/2013 dated 14.06.2013 of the respondent herein namely the Tamil Nadu Public Service Commission, represented by its Secretary, Frazer Bridge Road, VOC Nagar, Park Town, Chennai-600 003 and to issue suitable directions to the respondent herein to modify/alter in column 3 qualifications the age as on 14.06.2013 instead of age as on 01.07.2013 of the said Notification bearing No.9/2013 dated 14.06.2013 and after modifying / altering the said date in column 3 of the said Notification bearing No.9/2013 dated 14.06.2013 to issue suitable directions to the respondent herein to appoint the petitioner to the post of TYPIST pursuant to the call letter dated 31.07.2014 (amended as per order dated 10.03.2015 in Mps.1&3/15).

For Petitioner : Mr.K.S.Govinda Prasad

For Respondent : Dr.M.Devendran

ORDER

The relief sought for in this writ petition is to direct the respondent herein to appoint the petitioner in the post of Typist pursuant to the call letter dated 31.07.2014.

2. The learned counsel appearing for the writ petitioner made a submission that based on the Notification issued for recruitment to the post of Typist, the writ petitioner submitted her application and accordingly participated in the process of selection. The application submitted by the writ petitioner has not been rejected and the petitioner was allowed to participate in the process of selection and finally, at the time of certificate verification, her candidature was rejected on the ground that as on 01.07.2013, the petitioner has crossed 35 years of age. Thus, the petitioner was declared as "overaged candidate" and accordingly her name was rejected.

3. Once it is not disputed that the date of birth of the writ petitioner is 20.06.1978 and she has completed the age of 35 years on 20.06.2013 and the cut off date fixed in the notification is 01.07.2013, this Court has no opinion to reject the claim made out by the writ petitioner in this writ petition.

4. The learned counsel further made a submission that the petitioner has completed 35 years of age, only on 20.06.2013 and there is a shortfall of 11 days in respect of the cut-off date 01.07.2013 notified in the Notification. However, this Court cannot consider the fact in view of the principle that the notification issued by the competent authority alone will prevail. The Courts cannot change the crucial date fixed by the recruiting agency in respect of considering the application from suitable and qualified candidates.

5. The learned counsel appearing for the respondent also informed this Court that the petitioner was allowed to participate in the process of selection and however, during the certificate verification, her date of birth was verified and the competent authority found that the petitioner is overaged and accordingly her candidature was rejected. Thus, there is no infirmity in respect of the litigation of the candidature of the writ petitioner.

6. This Court time and again held that mere participation in the process of selection will not confer any right on the candidate to seek an order of appointment. Even, the selection will not confer any right on the candidates. Only for the issuance of the appointment order alone, the candidate will get the right. Thus, the writ petition filed on the basis that the writ petitioner was allowed to participate in the process of selection including the certificate verification cannot be the ground to seek appointment. Further, it was found during the certificate verification that the writ petitioner was overaged and therefore, there is no infirmity in respect of the rejection of the claim of the writ petitioner from the selection list.

7. Thus, this Court is not inclined to adjudicate the grounds raised in this writ petition, in view of the fact that the writ petitioner was already overaged and her candidature was rejected on the ground that she had crossed 35 years of age as on 01.07.2013.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

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To

The Secretary,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar, Park Town,
Chennai-600 003.

+lcc to Mr.M.Devendran, Advocate SR.No.79092

WP.No.22872 of 2014

BR(CO)
GN(30/11/2017)



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