

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.27722 of 2017 and
W.M.P.Nos.29679 to 29681 of 2017

K.Subramani, Clerk,
EH 103, Tambiranvalasu,
Weavers Co-operative Society
Thandampalayam
Sivagiri (via)
Erode District - 638 109

Petitioner

Vs.

1. Government of Tamilnadu
Rep. by Principal Secretary
Cooperation, Food & consumer
Protection, Secretariat, Chennai
2. The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road, Kilpauk,
Chennai - 600 010
3. Tamil nadu Public Service Commission,
rep. by Secretary,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records on the file of the 3rd respondent in its proceedings No.Nil dated 11.10.2017 and quash the same and direct the 3rd respondent to the limited extent and non selection of the petitioner in the list of departmental candidates called upon to appear for the oral test for selection to the post of Junior Inspector of Co-operative Societies to be held on 30.10.2017 and to the limited extent of declaring him limitation of rejecting during the certificate verification for non consideration of the candidature of the petitioner by declaring that he is found to be over-aged and consequently direct the respondents to select and appoint the petitioner as Junior Inspector of Co-operative societies in Co-operative Department, if he is otherwise

qualified and eligible without insisting on the upper age limit by passing appropriate orders.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.T.Girija, for R1
Government Advocate
Mr.L.P.Shanmughasundaram for R2
Dr.M.Devendran for R3

O R D E R

The Writ Petition has been filed challenging the impugned notification dated 11.10.2017, to quash the same with the further direction to the limited extent of non selection of the petitioner in the list of departmental candidates called to appear to the post of Junior Inspector of Co-operative Societies to be held on 30.10.2017 and to the limited extent of declaring him that he is found to be over aged with the consequential direction to select him.

2. The case of the petitioner is that the petitioner is aged 48 years and appointed as a clerk in EH 103, Thambiran Valasu Weavers Co-operative Society, Thandampalayam Sivagiri (via) Erode District. He applied for the post of Junior Inspector in Co-operative Department, pursuant to the notification no.8/2013 dated 17.05.2013 issued by the 3rd respondent inviting applications from eligible candidates for direct recruitment to two posts including junior inspector of co-operative society in Co-operative Department, which is included in Combine Service Examination and for the above mentioned post, they have mentioned the following qualifications, minimum and maximum age. However, in respect of age, they have fixed as on 01.07.2013:

सत्यमेव जयते

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Posts	Category of candidates	Minimum age	Maximum age
Junior Inspector of Co-operative Societies	Scheduled Caste / Scheduled Caste (Arunthathiyars), Scheduled tribes and destitute widows of all castes	18 years	Below 35 years
			Below 32 years
	Most Backward classes / denotified communities, Backward classes and backward classes (Muslims)		Below 30 years
	Others		
	For Supervisor of Co-operative Society (or) non-official employee of a Co-operative institution and who possess the qualification mentioned under the heading 3 (B) educational qualification	-	For others Below 32 years
			For BC, BCM MBC/DC Below 34 years
			For SC/SC(A) ST's Below 37 years
	War Service candidate & has undergone a course of training for nine months in one of the co-operative training institute in the state and has passed examination in co-operation, Auditing, banking and book-keeping conducted by the Tamilnadu co-operative union.	-	For others below 40 years
			For BC, BCM, MBC/DC Below 42 years
			For SC/SC(A) ST's Below 45 years
	No maximum age limit for candidates belonging to Scheduled Caste / Scheduled caste (Arunthathiyars), Scheduled Tribes, Most Backward Classes / Denotified Communities, Backward Classes and Backward Classes (Muslims) and Destitute widows of all castes who possess a General educational qualification higher than the minimum general educational qualification. For this purpose, a pass in the pre-university examination will be deemed to be a qualification higher than the minimum general educational qualification.		

3. Further, when the last date of submission of application through online was fixed on 10.06.2013 and the last date of payment of fee through bank or post was fixed on 12.06.2013 and also the written examination to be held on 03.08.2013, the petitioner applied and the respondents permitted him to write the written examination, subsequently, the petitioner has passed in the said written examination. Since the petitioner has acquired the relevant marks, the respondents invited him to the certificate verification. It was noted that the petitioner is over aged at the time of certificate verification. When the petitioner took part in the written examination, the respondents cannot disqualify him on the ground of over aged at the time of certificate verification. Hence he has come forward with this writ petition.

4. Learned standing counsel appearing for the respondents submits that no one shall be eligible for any appointment, unless he / she qualifies both educational and age qualification. In the present case, the petitioner stand disqualified, as he is over-aged and admittedly, today he is 48 years, therefore, the request made by the petitioner is wholly untenable and prays to dismiss the writ petition.

5. Fully agreeing with the submission made by the learned standing counsel appearing for the respondents and keeping in mind the age criteria, i.e., 35 years of age has been fixed for Scheduled Caste / Scheduled Caste (Arunthathiyars), Scheduled Tribes and Destitute widows of all castes, below 32 years has been fixed for Most Backward Classes / Denotified communities, backward classes and backward classes (Muslims) and since the petitioner is now aged 48 years, he is over-aged, hence, the respondents are right in not accepting the petitioner's candidature. Accordingly, the Writ Petition fails and the same is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ssd

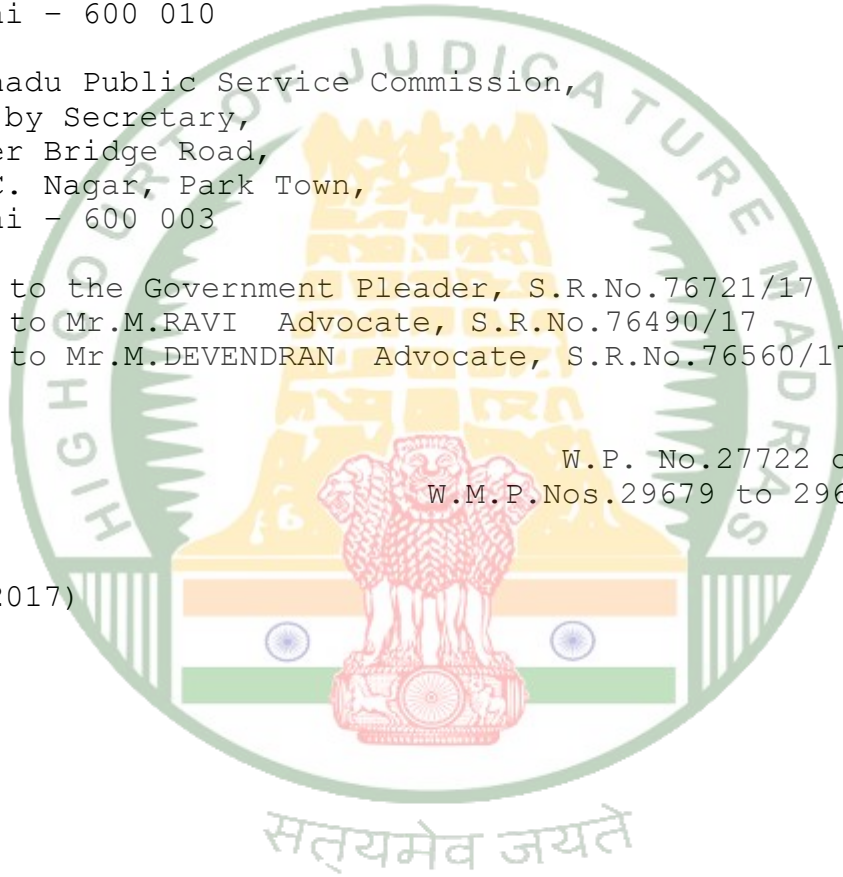
To

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rep. by Secretary,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003

+1cc to the Government Pleader, S.R.No.76721/17
+1cc to Mr.M.RAVI Advocate, S.R.No.76490/17
+1cc to Mr.M.DEVENDRAN Advocate, S.R.No.76560/17

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SJ (CO)
TR(22/11/2017)



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