

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10545 of 2004

1.A.Soundaraj
2.I.H.Dhanraj

... Petitioners

Vs.

1.Air India
Rep by its Chairman and Managing Director,
Hansalya Building, 5th Floor,
No.15, Barakampa Road,
New Delhi - 110 001.

2.Deputy General (Manager)
Human Resource Department
(South India)
Air India Unity Complex
G.S.T.Road,
Pallavaram (Cantonment)
Chennai - 600 043.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of first respondent in connection with the recruitment notice bearing Ref.PER/246 dated 25.08.2003 of the H.R.D Department of the 1st respondent and quash the same in so far as it makes the requirement of Diploma in Automobile/Mechanical/Electrical Engineering or an National Apprenticeship certificates, the aforesaid needs mandatory and direct the 1st respondent herein to consider the senior most operator in cadre of Chief Operator Grade 25 viz., the 2nd petitioner and the first petitioner to the corresponding grade for the post of Assistant Officer (Apron) without requiring the diploma qualification.

For Petitioners
For Respondents

: Mr.P.Chandrasekaran
: Mrs.Rita Chandrasekar, SC
for M/s.Aiyar & Dolia

O R D E R

This petitioner has filed this Writ Petition, challenging the recruitment notice issued by the Deputy General Manager/second respondent dated 25.08.2003 of the H.R.D.

Department praying to quash the order of the first respondent in so far as it makes the requirement of Diploma in Automobile/Mechanical/Electrical Engineering or an National Apprenticeship certificates and consequently, he sought prayer for the direction to the first respondent herein, to consider the senior most operator in the cadre of Chief Operator Grade 25 and consider the petitioner for the post of Assistant Officer (Apron) without requiring the diploma prescribing under the impugned order notice.

2. The learned Senior Counsel appearing for the petitioners would submit that applications are invited through the impugned order from the permanent employees working in the Chennai-2 division for the post of Assistant Officer (Apron) and to draw the waiting list in grounds service Department. Accordingly, fixing the qualification is bad in law once the respondent invited applications from the permanent employees working in Chennai ground service Department and the fixing the eligibility for the apprentice, is bad in law.

3. The learned Standing Counsel for the respondent would submit that the authority have power in fixing the eligibility criteria in order to meet the quality of service and the petitioner filed this Writ Petition challenging the eligibility criteria (at the age of 45), after 15 years, nothing survives for adjudication. She further submits that the posts were filled up long back and relief cannot be granted at this time.

4. Considering the above submission, I agree on the principle that after 15 years when there is no impugned order challenged before this Court, and now the petitioner also crossed 60 years, nothing survives for adjudication in this Writ Petition.

5. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

W.P.No.10545 of 2004

VC (11/10/2017)