

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.11.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.28307 of 2013
and MP.No.1 of 2013

A.Srinivasan

...Petitioner

Versus

1.The Assistant Director,
District Employment Exchange,
Salem - 7

2. The Director of Animal Husbandary and
Veterinary Services,
D.M.S.Complex,Anna salai,
Chennai 600 006

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order of the 1st respondent dated 24.12.2009 in Vu.Voo.8357 of 2009 and quash the same and consequently direct the respondents to appoint the petitioner as Veterinary Inspector.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.A.Rajaperumal
Additional Government Pleader
for R1 and R2

ORDER

The order of rejection issued by the 1st respondent in respect of the claim of the writ petitioner for appointment to the post of Veterinary Inspector is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner has passed Higher Secondary Course Examination during the year 1986 and registered his name in the District Employment Exchange, Salem on 23.09.1986. The

petitioner states that the lands belongs to his father had been acquired by the Government of Tamil Nadu for providing house sites to the Adi Dravidars and by proceedings dated 12.12.2001, the Special Tahsildar (Adi Dravidar Welfare) Omalur, has certified that the petitioner is entitled for the Land Acquisition Priority in public employment as per the provisions of G.O.Ms.No.188 (Personnel and Administrative Reforms Department) dated 28.12.1976. The certificate issued by the Special Tahsildar was also endorsed by the District Employment Exchange in the Employment card of the petitioner. However, the case of the petitioner has not been considered.

3. The writ petitioner earlier filed WP.No.22257 of 2008 and this Court passed an order on 29.07.2009, directing the respondents to recommend the name of the writ petitioner, if he is otherwise eligible for the post of Veterinary Inspector as per the press statement published in "Dinamalar" daily dated 14.07.2008. Pursuant to the order passed by this Court in the said writ petition, the respondents issued an order dated 24.12.2009 which is impugned in this writ petition.

4. The order impugned states that as on 01.07.2007, the writ petitioner has crossed 37 years of age and therefore, he is over aged and not eligible for appointment to the post of Veterinary Inspector. Further, he cannot claim any appointment for the post of veterinary Inspector.

5. This Court is of the opinion that the terms, conditions and the educational qualifications, which are prescribed for recruitment cannot be dispensed with. The competent authorities in this regard are bound by the recruitment rules in force and the same ought to be followed scrupulously.

6. Equal opportunity in public employment is a constitutional mandate. Relaxation in respect of educational qualification or age cannot be granted to the candidates who appeared in the process of selection in respect of the rules in force. The authorities competent are bound to adhere the same at the time of considering the application for participating in the selection process. In the case on hand, it is stated that the writ petitioner was over aged as on 01.07.2007. As per the affidavit filed by the writ petitioner in this writ petition he was aged about 45 years in the year 2003 and at present he may be about 58 or 59 years. Now the writ petitioner cannot be considered for appointment to the post of Veterinary Inspector, more specifically, at the age of 58 years and the authorities competent are bound to follow the recruitment rules in force.

7. This being the factum of the case, no further adjudication needs to be undertaken on the grounds raised in this writ petition and accordingly the writ petition stands dismissed. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Director,
District Employment Exchange,
Salem - 7
2. The Director of Animal Husbandary and
Veterinary Services,
D.M.S.Complex,Anna salai,
Chennai 600 006

+ 1 cc to M/s. K. Selvaraj, Advocate SR.82947
+ 2 cc to Government Pleader Sr.83636 & 83266

WP.No.28307 of 2013

NRI (CO)
EU (15/12/2017)

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