

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. Nos.8407 to 8409 of 2016 &

WMP Nos.7442 to 7448 of 2016

P.Sathishkumar .. Petitioner in W.P.No.8407 of 2016

R.Senthilkumar .. Petitioner in W.P.No.8408 of 2016

P.Channanjaiah .. Petitioner in W.P.No.8409 of 2016

Vs

1 The Government of Tamilnadu
Rep. by its Secretary to the Government
Personnel and Administrative Reforms (K) Department
Secretariat, Chennai-600 009.

2 The Director
Office of the Director of Public Health and
Preventive Medicine
Anna Salai, Chennai-600 006.
.. Respondents 1 & 2 in both W.Ps

3 The Deputy Director
Office of the Deputy Director of Health Services
Erode-12.
..R3 in W.P.Nos.8407 & 8409 of 2016

4 The Deputy Director
Office of the Deputy Director of Health Services
147, Puluvaipatti, Neruperichal Road
Tirupur 641 602.
..R3 in W.P.No.8408 of 2016

PRAYER IN W.P.No.8407 of 2016 : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the second Respondent to give five years upper age relaxation to the petitioner in pursuant of G.O.No. 98 of Personnel and Administrative Reforms (F) Department dated 17.07.2006 while recruiting drivers in 3rd Respondents office by paper publication dated 04.02.2016 by 3rd Respondent.

PRAYER IN W.P.No.8408 of 2016 : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the second Respondent to give twelve years upper age relaxation to the petitioner in pursuant of G.O.No. 98 of Personnel and Administrative Reforms (F) Department dated 17.07.2006 while recruiting drivers in 3rd Respondents office by paper publication dated 27.01.2016 by 3rd Respondent.

PRAYER IN W.P.No.8409 of 2016 : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the second Respondent to give three years upper age relaxation to the petitioner in pursuant of G.O.No. 98 of Personnel and Administrative Reforms (F) Department dated 17.07.2006 while recruiting drivers in 3rd Respondents office by paper publication dated 04.02.2016 by 3rd Respondent.

For Petitioners : Mr.P.Saravanan
(in all W.Ps.)

For Respondents : Mr.R.S.Selvam
(in all W.Ps.) Govt. Advocate

C O M M O N O R D E R

The common relief sought for in these Writ Petitions is to direct the second Respondent to give upper age relaxation of five, twelve and three respectively to the petitioners in pursuant of G.O.No. 98 of Personnel and Administrative Reforms (F) Department dated 17.07.2006, while recruiting drivers in third Respondents office by paper publications dated 04.02.2016 and 27.01.2016, by 3rd Respondent.

2.The learned counsel appearing for the writ petitioners submitted that the writ petitioners have completed 10th standard and in possession of Heavy Vehicle Driving Licence and they registered their names in the District Employment Exchange. Pursuant to the registration of their names in the District Employment Exchange, they were invited for recruitment to the post of Driver. In fact, the writ petitioners were appointed as Driver on 17.11.2004, 04.11.2004 & 30.03.2005, respectively.

3.On a perusal of the appointment orders, it is clear that the writ petitioners were appointed only on contract basis. Thus, they cannot claim any benefits as a matter of right. However, the writ petitioners have submitted representations to the respondents in respect of relaxation of their age for getting permanent appointment.

4.This Court cannot issue any such direction to the competent authorities to grant age relaxation in favour of the writ petitioners. It is an administrative prerogative of the competent authority to grant relaxation, wherever necessary considering the necessity and public interest. Further, the relief of relaxation cannot be exercised arbitrarily, so as to deprive the eligible candidates who are competing in the open competition process. Thus, the Rule of Relaxation is an exception and the same is to be exercised by the competent authority cautiously only in deserving cases.

5.Such being the legal principles with regard to the grant of relaxation of age, qualifications etc., this Court cannot issue any such direction as sought for by the writ petitioners by exercising the powers under Article 226 of the Constitution of India. However, since the writ petitioners have submitted representations on 08.02.2016, 28.01.2016 and 05.02.2016, respectively, without going into the merits of the matter, the third respondent concerned is directed to consider the representations submitted by the writ petitioners on 08.02.2016, 28.01.2016 and 05.02.2016, respectively and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petitions are disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Government of Tamilnadu
Rep. by its Secretary to the Government
Personnel and Administrative Reforms (K) Department
Secretariat, Chennai-600 009.
- 2 The Director
Office of the Director of Public Health and
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Anna Salai, Chennai-600 006.
- 3 The Deputy Director
Office of the Deputy Director of Health Services
Erode-12.

4 The Deputy Director
Office of the Deputy Director of Health Services
147, Puluwapatti, Neruperichal Road
Tirupur 641 602.

+3 ccs to M/s.P.Saravanan Advocate sr 66163
+1 cc to Government Pleader sr 65977

W.P. Nos.8407 to
8409 of 2016

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